

Washington, Friday, December 18, 1959

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOAMS, FURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Corn Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (24 F.R. 4199 and 8537), and containing the specific requirements of the 1959-crop corn price support program are amended to increase the maximum moisture limits for corn placed under price support. The following sections, paragraphs and subparagraphs are amended to read as follows:

§ 421.4138 Eligible corn.

(e) * * *

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 21.0 percent if the corn is tested for loan from time of harvest through February 1960; 19.5 percent if tested for loan during March 1960; 18.0 percent if tested for loan during April 1960; and 16.0 percent if tested for loan during May 1930.

(2) For shelled corn placed under a farm-storage loan, the moisture content must not exceed 14.0 percent irrespective of when the corn is tested for loan.

(f) * * *

(2) Corn placed in approved warehouse storage prior to the time the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better (in accordance with the Revised Official Grain Standards of

the United States for Corn effective October 1, 1959), must not contain in excess of 14.0 percent moisture and must not grade "weevily".

(g) Corn shall not be eligible for a warehouse-storage loan or delivery from approved warehouse storage under a purchase agreement if it contains in excess of 14.0 percent moisture, except that corn represented by warehouse receipts which indicate that the corn is ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 14.0 percent moisture or less of an eligible grade and quality which meets the requirements of § 421.4133 will be delivered. The certification shall be substantially as follows:

On corn containing in excess of 14.0 percent moisture delivery will be made of corn which grades No. _____, which contains not in excess of 14.0 percent moisture, which is otherwise of the same quality or better as the corn described on warehouse receipt No. _____, and which is the actual quantity obtained after drying the corn described in such receipt to not in excess of 14.0 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

§ 421.4140 Determination of quantity.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 16.0 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 16.0 percent in accordance with the following schedule:

Rajusi	ment
fact	
Moisture content, percent: perc	ent
16.1-17.0, both inclusive	98
17.1-18.0, both inclusive	96
18.1-19.0, both inclusive	94
19.1-20.0, both inclusive	92
20.1-21.0, both inclusive	90
Above 21.0—No loan	

(c) A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 14.0 percent in moisture content.

(Continued on next page)

CONTENTS

COMILIAIS	
Agricultural Marketing Service Proposed rule making:	Page
Milk in the Philadelphia, Pa., marketing area	10253
Agricultural Research Service Proposed rule making: Products for dogs, cats, and other carnivora; inspection and certification	10231
Agriculture Department See Agricultural Marketing Service; Agricultural Research Service; Commodity Credit Corporation; Commodity Stabilization Service; Forest Service.	
Civil Aeronaurics Board Notices:	
Hearings, etc.: Cie. de Transports Aeriens	
Intercontinentaux (TAI) Lake Central temporary mail	10205
ratesRules and regulations:	10205
Tariffs of certain certificated airlines; trade agreements; miscellaneous amendments	10253
Coast Guard Rules and regulations: Manning of inspected vessels over 65 feet in length and less than 100 gross tons	10257
Commerce Department See Federal Maritime Board; Maritime Administration.	
Commodity Credit Corporation Rules and regulations: Corn; 1959-crop loan and pur- chase agreement program	10219
Commodity Stabilization Service Rules and regulations: Sugarcane; Virgin Islands:	
Prices; 1960 crop Wage rates; calendar year	10253
1960	1025)
Defense Department	
Notices: Deputy Secretary of Defense; delegation of authority Rules and regulations:	10265
Early release of military en-	
listed personnel for college enrollment	10255

10249



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CONTENTS—Continued

CONTENTS—Continued	
Federal Communications Commission	[‡] Page
Notices:	
Hearings, etc.:	
Bennion, Sam H., and James	
C. Wallentine Hirschberg, Sanford L., et al.	10265
Hirschberg, Sanford L., et al.	10266
Williams, Earl A	10266
WTVY, Inc	10266
Federal Maritime Board	
Notices:	
Agreements filed for approval:	
Cunard Steam-Ship Co., Ltd.,	
and Anchor Line, Ltd	10263
Farrell Lines, Inc., et al	10268
Hawaii-Europe rate agree-	
ment member lines	10269
Skibsaktieselskapet Igadi et	
_al	10269
Trans-Pacific Passenger Con-	
ference member lines	10269
Proportional commodity rates	
on cigarettes and tobacco;	10000
supplemental order	10268
States Marine Lines, Inc.; application and hearing	10060
Proposed rule making:	10209
Filing of tariffs by terminal	
operators	10262
	10202
Federal Power Commission	
Notices:	
Hearings, etc.:	•
Coastal Transmission Corp.	10000
et al	10262

Laclede Gas Co_____ 10262

Nueces Co. et al_____ 10264

CONTENTS—Continued

Page

rolest bervice	Lago
Rules and regulations: Administration of the Forest Development Transportation	,
System	10255
Interior Department See Land Management Bureau.	
Interstate Commerce Commission	*
Notices:	
Motor carrier transfer proceed- ings	10270
Land Management Bureau Rules and regulations:	
Rights-of-way for pipe lines on the outer continental shelf;	10550
miscellaneous amendments Maritime Administration	10256
Notices: Trade Route No. 16; essential-	
ity and U.S. flag service requirements	10070
Rules and regulations:	10270
Federal ship mortgage and loan insurance; criteria for conversion of vessels	10957 .
Securities and Exchange Com-	10401
mission Notices:	
Hearings, etc.:	
De Ville Co Kingsport Utilities, Inc	10266 10267
Tariff Commission	
Notices:	10000
Portland cement; investigation_ Spring clothespins; report to President	. ,
Treasury Department See Coast Guard.	
CODIFICATION GUIDE	
A numerical list of the parts of the of Federal Regulations affected by docu published in this issue. Proposed ru opposed to final actions, are identification.	ments les, as led as
A Cumulative Codification Guide co the current month appears at the end o issue beginning with the second issue	f each
month.	
6 CFR 421	Page
7 CFR	10249
868 878	10250
Proposed rules:	
961 9 CFR .	10258
Proposed rules:	
155	10261
14 CFR 225	10253
32 CFR	
65	10255

36 CFR

43 CFR

202_____

_____ 10256

CODIFICATION GUIDE—Con.

46 CFR	Page
157	
298	10257
Proposed rules:	
201-380	10262

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 401, 63 Stat. 1051, 1054, as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 14th day of December 1959.

WALTER C. BERGER, Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-10735; Filed, Dec. 17, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER H-DETERMINATION OF WAGE RATES

[Sugar Determination 868.12]

PART 868—SUGARCANE; VIRGIN ISLANDS

Calendar Year 1960

Pursuant to the provisions of section 301(c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 13, 1959, the following determination is hereby issued.

- § 868.12 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1960.
- (a) Requirements. A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1960 if all persons employed on the farm in the preduction, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:
- (1) Wage rates. All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this section in the Federal Register not less than the following:
- (i) Basic time rates. The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

	rates
	hour
A-Operators of mechanical loaders	
B—Operators of tractor and trucks_	.50
C-Chemical sprayers	.43
D-All others	.40

(ii) Apprentice operators of mechanical loaders and tractors. For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for Class B work in subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: Provided, That the training period for such workers shall not exceed six work-weeks: And provided further, That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) Handicapped workers. For an individual whose productive capacity is impaired by age or physical or mental deficiency, the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: Provided, That the employer shall file with the Area Office, a certified statement containing the names of all such workers, the hourly wage rates paid to each, and the nature of the handicap of each such worker.

(iv) Overtime. Persons employed in excess of 8 hours in any 24-hour period or in excess of 44 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable Municipal or Territorial laws or regula-

(v) Piecework rates. If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: Provided, That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) Compensable working time, For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the workday. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) Proof of compliance. The producer shall, upon request, furnish the Area Office acceptable and adequate proof which satisfies such office that all workers have been paid in accordance with the requirements of this section.

(c) Subterfuge. The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(d) Claim for unnaid wages. Any person who believes he has not been paid in accordance with this section may file a wage claim with the Area Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) General. The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1960, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) Requirements of the act and standards employed. Section 301(c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of pro-

duction), and the differences in conditions among the various producing areas. (c) 1960 wage determination. This determination continues unchanged the provisions of the 1959 determination.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 13, 1959, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year

A representative of the Virgin Islands Corporation, which is owned by the Federal Government and is the largest producer of sugarcane in the Virgin Islands, stated that the Corporation had recommended a five-cent per hour increase in wage rates for the calendar year 1959; that this recommendation had not been adopted in the 1959 determination; that the Corporation had paid wages at the higher rates and planned to pay similar rates in 1960: that there had been no increase in labor productivity as a result of the wage increase; that the shortage of field labor continued to be a serious problem; and that British West Indies workers were imported for both cultivation and harvesting work.

A representative of independent producers recommended that wage rates be increased five cents per hour for each classification of workers. He stated that the increase in wage rates would provide an incentive for workers to stay in the industry. A representative of workers recommended that the Virgin Islands Corporation furnish free housing to low-income workers, and that the time of workers who have to walk one mile or more to and from their jobs be considered as compensable working time.

Consideration has been given to the recommendations made at the hearing, to the economic position of the Virgin Islands Corporation and of independent growers and to other pertinent factors.

The returns, costs and profits of the sugarcane production operations of the Virgin Islands Corporation and of independent producers have been obtained by field study for recent years. These data have been recast in terms of prospective price and production conditions for the 1960 crop. The analysis shows that under average crop conditions the production of sugarcane is profitable, but substantial losses are incurred in the years when the crop is adversely affected by lack of rainfall. A drought during the growing season has affected the crop and prospects for the 1960 crop are not favorable. In view of this it is not considered equitable to adopt the recommendation of producers since this would require them to pay the higher hourly wage rates. However, the wage rates established by this determination are the minimum rates and producers may pay higher rates where necessary to obtain labor or for other reasons.

The Virgin Islands Corporation is a federally-owned corporation subject to Federal regulations, one of which requires the corporation to make a nominal charge for housing furnished to resident employees. Accordingly, the recommendation of a labor representative that the Corporation furnish free housing to low-income workers has not

heen adopted.

Wage determinations for several years have provided that compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field, except that if workers are required to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit between such place and the field is compensable working time. This provision is uniform in all areas and is deemed to be equitable. Therefore, the recommendation of a labor representative for a change in compensable working time has not been adopted.

On the basis of examination of all the pertinent factors, the provisions of this determination are deemed to be fair and

reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929, as amended: 7 U.S.C. Sup. 1131)

Issued this 15th day of December 1959.

E. L. PETERSON, Acting Secretary of Agriculture.

[F.R. Doc. 59-10736; Filed, Dec. 17, 1959; 8:48 a.m.]

SUBCHAPTER I-DETERMINATION OF PRICES [Sugar Determination 878.12]

PART 878—SUGARCANE; VIRGIN **ISLANDS**

1960 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 13, 1959, the following determination is hereby issued:

§ 878.12 Fair and reasonable prices for the 1960 crop of Virgin Islands

A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (herein referred to as "precessor"), shall have paid, or contracted to pay, for sugarcane of the 1960 crop grown by other producers and processed by him at rates not less than those determined in accordance with the following requirements:

- (a) Definitions. For the purpose of this section, the term:
- (1) "Raw sugar" means raw sugar as made converted to a 96° basis.
- (2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding com-

mences and successive periods shall start at two-week intervals thereafter. Odd days at the end of the grinding season shall be included in the preceding period if less than 7 days and if 7 days or more shall constitute a separate settlement period.

- (3) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty-paid basis by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, for the settlement period, except that, if the Director of the Sugar Division determines that for such period such average price does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the average price to be effective under this section, which he determines will reflect the true market value of raw
- sugar.
 (4) "F.o.b. mill price" means the average price of raw sugar minus selling and delivery expenses (converted to a pound unit) actually incurred by the processor in marketing raw sugar of the 1960 crop.

(5) "Yield of raw sugar" means the yield of raw sugar, 96° basis, per 100 pounds of sugarcane determined for each settlement period in accordance with

the following procedure:

(i) A representative sample shall be taken of each producer's daily deliveries of sugarcane during the settlement period and ground by a laboratory power mill. The juice extracted therefrom shall be analyzed for Brix and sucrose content by standard methods of analysis.

(ii) Application shall then be made of the formula, R=(S-0.3B)F, where:

R=Yield of raw sugar. S=Sucrose content of the laboratory power mill juice obtained from the sugarcane of each producer.

B=Brix of the laboratory power mill juice obtained from the sugarcane of each producer.

F=Yield factor which is determined as follows:

- (a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula (S-0.3B), and the number of hundredweights of sugarcane;
- (b) Divide the pounds of raw sugar, 96° basis, produced and estimated from all sugarcane received and tested during the settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor F.
- (iii) In the event any sugarcane was not processed during the settlement period in which it was received and tested, the quantity of sugar produced during such period shall be increased by attributing to such sugarcane an estimated quantity determined by multiplying the number of tons of such unprocessed sugarcane by the average percentage of sugar, 96° basis, that was recovered from all sugarcane processed during such settlement period. The quantity of sugar so estimated shall be deducted from the sugar produced during the subsequent period.

(b) Payment for sugarcane. (1) The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f.o.b. mill price for that portion of the raw sugar determined by applying not less than the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane: Percentage
6.0._______53.0
7.0______54.0
8.0______55.0 9.0_____ 56.0 10.0_____ 57. 0 11.0______ 58. 0 12.0______ 59. 0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor shall pay to the producer for each 100 pounds of sugarcane delivered an amount for molasses computed by applying the following applicable percentage to the product of 10 cents per gallon and the average number of gallons of blackstrap molasses produced per 100 pounds of sugarcane of the 1960 crop:

Pounds of raw sugar per 100 pounds of sugarcane: Percentage
6.0_______86.0
7.0______80.0
8.0_______74.0 9.0_____ 68.0 10.0_____ 62.0 11.0_____ 56.0 12.0_____ 50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

- (c) Transportation allowances to producers. The price for sugarcane established by this section shall be applicable to sugarcane delivered to the mill: Provided, That (1) where the producer delivers sugarcane to the mill at his expense, the processor shall make an allowance to the producer equal to 50 percent of the commercial carrier rate for loading sugarcane at the farm and for its transportation to the mill; or (2) where the processor loads sugarcane of the producer and transports it to the mill at his own expense, the processor may charge such producer 50 percent of the applicable commerical carrier rate.
- (d) Reporting requirements. processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico, for approval a certified statement of the actual deductions made in determining the f.o.b. mill price of raw sugar, and a certified statement of the actual gross sales price per gallon of blackstrap molasses.
- (e) Subterfuge. The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1960 crop grown by other producers.

(b) Requirements of the act. Section 301(c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay, under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) 1960 price determination. This determination continues the provisions of the 1959 determination, except that the molasses payment to producers is to be based on a price of 10 cents per gallon instead of the larger of 10 cents per gallon, or the actual gross sales price per gallon realized by the processor.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 13, 1959, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1960 crop. representative of the Virgin Islands Corporation stated that the Corporation proposed to reduce the percentage share of sugar, on which producers' 1960 crop sugarcane settlements are to be based. below the level paid for 1959 crop sugarcane. He indicated that the Board of Directors of the Corporation was then studying the proposal and that its decision was expected before the start of grinding the 1930 crop. He also stated that the proposed percentage share to be paid for the 1960 crop would be in excess of the minimum share established by-the 1959 determination. The witness recommended that molasses payments to producers be based on the actual gross sales price for molasses received by the Corporation.

Representatives of producers recommended that the producers' percentage share of sugar not be reduced below the level of payments for prior crops. They stated that independent growers make little profit at the higher sharing rate and to reduce this rate by even three percentage points would increase the growers' losses; that the mill depended upon volume for a successful operation, and would lose volume if the inde-pendent growers were forced out of business; that growers delivered cleaner cane than did the Corporation whose cane is mechanically loaded; that the dirt and trash contained in this cane reduces the mill recovery for which the grower should not be penalized; and that because of the lack of rainfall during the growing season prospects for the 1960 crop were unfavorable.

Consideration has been given to the recommendations made at the hearing, to the returns, costs, and profits of producing and processing sugarcane

under price and production conditions likely to prevail for the 1960 crop, to the results of investigations, and to other pertinent factors.

The Virgin Islands Corporation is the largest grower of sugarcane and the only processor of sugarcane in the Virgin Islands. In 1958 the Corporation lost in excess of \$690,000 in its producing and processing operations due largely to a crop failure. It is understood that the Corporation made a profit of about \$85,000 in its sugarcane producing operations in 1959 under favorable crop conditions, but lost in excess of \$200,000 in the processing of sugarcane.

Based upon a study of the returns, costs, and profits of the producing and processing operations of the Virgin Islands Corporation for the years 1954 through 1957, the price determination for the 1958 crop provided for a reduction of approximately ten percent in the producer's share of sugar recovered from his sugarcane. This sharing basis was continued in the 1959 determination as the minimum requirement for pricing producers' sugarcane. A field study of the returns, costs, and profits of independent sugarcane producers covering the three crops 1957-59 was conducted during 1959. This study confirms that the sugar sharing relationship provided in the 1958 and 1959 determination is more closely related to the cost re-sponsibilities borne by producers and processors than the sharing relationship which had previously prevailed.

Data obtained by field study for prior crops have been recast to reflect the production and price conditions expected to prevail for the 1960 crop. The 1960 crop is not expected to be favorable because of drought conditions during the growing season. However, the analysis indicates that it is equitable to continue the sharing relationship provided by the 1959 determination as the basis for determining minimum sugarcane prices for the 1960 crop.

The recommendation of the Corporation that the molasses payment to producers be based on the actual price realized by the processor from the sale of molasses has not been adopted. Contractual arrangements of the Corporation require that most of its annual production of molasses be marketed to Island distillers at negotiated prices. In this situation the 1958 and 1959 determinations established as the pricing basis for computing the molasses payment to producers the higher of 10 cents per gallon or the actual gross sales price realized by the processor. The actual sales price realized by the Virgin Islands Corporation exceeded the minimum price of 10 cents per gallon in 1958 and 1959.

In view of the fact that there is but one producer and one or two local buyers for molasses in the Virgin Islands, establishment of a local market price is quite difficult. Therefore, it is deemed equitable to relate the price of molasses to recent average returns for molasses in a nearby producing area for purposes of the sugarcane price determination. The minimum price level of 10 cents per gallon established by this determination reflects the average molasses proceeds

of processors in Puerto Rico during the most recent 5-year period for which data are available.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended, 7 U.S.C. Sup. 1131)

Issued this 15th day of December 1959.

E. L. Peterson, Acting Secretary of Agriculture.

[F.R. Doc. 59-10737; Filed, Dec. 17, 1950; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board SUBCHAFTER B—ECONOMIC REGULATIONS [Reg. No. ER-290]

PART 225 — TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of December, 1959.

Part 225 of the Board's Economic Regulations, which expires on December 31, 1959, permits the local service carriers, the certificated carriers operating wholly within Hawaii, the certificated Alaskan carriers insofar as their intra-Alaska operations are concerned and carriers holding certificates for the performance of all-expense tours or cruises, to exchange air transportation for advertising goods and services.

The Air Transport Association, on behalf of its local service carrier members and Hawaiian Airlines Ltd., has filed a petition requesting that Part 225 be extended for an additional period of one year and that certain other changes be made in the regulation. Specifically the petition seeks to amend Part 225 to (1) increase the aggregate limitation or the total value of trade agreements from \$100,000 to \$150,000; (2) permit transportation of limited classes of air freight; (3) eliminate the requirement in § 225.9 (b) that the identification card issued to an individual show that the individual is entitled to use the transportation only during a stated period; (4) permit the carriers to show only the dollar amount and published advertising rates in the notice of the agreement to the Board; (5) permit the issuance of family identification cards; and (6) authorize the issuance of an indentification card to a single individual within any advertising organization who could then purchase tickets covering transportation for eligible employees against such card.

In support of the request for extension of Part 225, increasing the maximum limit to \$150,000 per carrier, and expansion of Part 225 to permit transportation of limited air freight, the petitioner submits that the trade agreement pro-

gram permitted by Part 225 continues to be successful and in the best interest of all concerned; that the authority has permitted the reduction of expenditures of carriers' limited funds for advertising or increased the amount of advertising received from the same expenditures; that the trade agreement program permits the carriers to utilize more effective advertising media which would otherwise be financially prohibitive, and has assisted the carriers in generating increased traffic; that additional advertising is necessary for the development of carriers' routes and to exploit the full potential of new types of aircraft with which the local service carriers are presently equipping themselves, which necessitates advertising over and above that for which the present trade agreement authority provides; and that expansion of the trade agreement authority to accommodate certain types of air freight, such as television films and newspapers, would be of material benefit to the carriers and the advertisers.

The Board believes that it is desirable to extend this regulation for an additional one-year period in view of the continuing increase in the use of the regulation. The Board is not, however, persuaded to increase the limitation on the total value of trade agreements from \$100,000 to \$150,000 or to permit transportation of air freight. Part 225 is intended to grant the carriers covered thereunder a limited amount of relief from the need of paying cash for all of their advertising because of their relatively limited funds and their dependence on subsidy. It was never intended to cover the entire cost of such carriers' advertising program. It is significant to note that during the year 1958 the average total value of trade agreements under Part 225 for each of the local service carriers and Hawaiian carriers was approximately \$68,000, while through September 4, 1959, the average total value has been less than \$67,000. The Board feels that the \$100,000 figure is certainly not insignificant and provides flexibility for each carrier in developing a proper advertising program. In addition, the extension of Part 225 to permit carriage of limited airfreight, i.e. newspapers, television film, etc., would represent a further and unwarranted in-road into the basic principle that air transportation should be sold, not bartered. The Board found it appropriate to make only limited exceptions with respect to exchange between an air carrier and a party supplying services or goods for advertising purposes. As long as the privilege of using the air transportation provided pursuant to such an exchange is restricted to specified persons, the numerous safeguards embodied in Part 225 constitute effective prohibition against discriminating practices.

In support of its request for cancellation of the requirement of § 225.9(b) that the individual issued an identification card is entitled to use transportation thereunder only during a stated period of time, the petitioner states that such requirement prevents carriers with on-line charge, account systems from incorporating the trade agreement iden-

tification cards into such systems, thereby requiring two types of cards and additional expense in the administration of the trade agreement program. The Board sees no merit in this requested amendment since the trade agreement program is very different from charge account systems. Under charge account systems, collection is generally made within 30 days for all transportation purchased on credit. Under the trade agreement program, however, there is no charge against the card holder, and there will be no collection in cash for transportation furnished under such program unless the air carrier uses less advertising under a particular agreement than the amount of transportation used by the advertising supplier. It is therefore believed that the cards and accounts for the trade agreement program should be kept separate and distinct from any other cards and accounts maintained by a carrier, such as credit cards and charge account systems.

In connection with its request for revision of the requirements of § 225.3(b) to enable carriers to show only the dollar amount and published advertising rates in the notice of the agreement to the Board, the petitioner states that the present requirement has been found by the carriers to work considerable hardships in administering the program by preventing_desirable flexibility in programing advertising to be received. However, the Board is aware that most carriers and their suppliers have elected to set forth in precise detail the exact number, type, and unit price of the advertising to be received under trade agreements they negotiate. This requested amendment would have the effect of enabling a carrier and supplier to alter the terms of such an agreement. and in substance to enter into a new agreement, retroactively without giving the Board the 14 days' notice required by § 225.2. It is believed that such changes without the required notice should not be permitted. Moreover, certain carriers so draw their agreements under the existing regulation as to achieve the programing flexibility which the petition seeks and still meet the requirements of § 225.3(b). Board therefore believes that there is no need for revision of § 225.3(b) as requested.

With respect to its request that § 225.9 (b) be revised to permit carriers to issue family identification cards, the petitioner represents that the requirement that a card be issued for each individual authorized to obtain transportation under an agreement requires the air lines to make out numerous cards, some of which may be issued to minor children who are not capable of signing their own names, and that this situation could be corrected. and inconvenience and expense avoided for all if § 225.9(b) were amended to permit the issuance of a family card which would state thereon the name of the individual to whom issued and also the names of the spouse and each of the children to be covered by such card. The Board believes that such a revision would most likely lead to use of a card by persons other than the person to whom is-

sued. It is also believed that a separate card should be issued for each person in order to facilitate carriers' maintenance of proper records of transportation provided under each trade agreement. Further, there is no provision in Part 225 with respect to signature of each card by the person to whom it is issued, and carriers may so draw their agreements as to permit the parent (officer, director, or employee of the advertising supplier) of children unable to sign their names to sign such children's cards on their behalf.

The petitioner requests a modification of § 225.9(b) to permit issuance of a card to a single individual in an advertising organization, who could then purchase transportation tickets for any eligible employee within the organization, on the grounds that such a revision would eliminate the need for issuing a number of cards, and also enable organizations which prefer to vest responsibility for trade agreement travel in one person to accomplish their desires. The Board is of the view that such a revision would enable the person to whom the single card was issued to use the card for whom and as he saw fit, and would greatly hamper, if not destroy, the control of transportation used under a trade agreement. Such a revision is therefore undesirable and contrary to the public interest.

The amendment herein effectuated will serve to continue the present provisions of Part 225. The amendment to § 225.6, paragraph 2, implements the Board's determination in amendment 4 to this part, 24 F.R. 4906, that the maximum aggregate value of trade agreements entered into by each Alaskan air carrier should be \$20,000 per year. Inasmuch as these amendments do not impose any burden on any persons, the Board finds that notice and public procedure thereon are unnecessary.

The Board finds that the findings and conclusions which prompted the issuance of this regulation continue to be applicable and valid.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of the Economic Regulations (14 CFR Part 225), effective January 1, 1960. as follows:

- 1. By changing the date specified in § 225.2 from "December 17, 1959" to "December 17, 1960."
- 2. By changing the date specified in paragraph (a) of § 225.5 from "January 1, 1960" to "January 1, 1961."
- 3. By amending § 225.6, paragraph (b), to read:
- (b) \$20,000 in the aggregate each year for those airlines identified under § 225.1 (a) (4)
- 4. By changing the date specified in § 225.13 from "January 1, 1959" to "January 1, 1960."

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 403, 404, and 416, 72 Stat. 758, 760, 771; 49 U.S.C. 1373, 1374, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-10729; Filed, Dec. 17, 1959; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I-Office of the Secretary of Defense

SUBCHAPTER C-MILITARY PERSONNEL

PART 65-EARLY RELEASE OF MILI-TARY ENLISTED PERSONNEL FOR COLLEGE ENROLLMENT

The Assistant Secretary of Defense (Manpower, Personnel and Reserve) approved the following on December 8, 1959:

Sec.

Purpose. 65.1

65.2 Policy.

Release criteria.

65.4 Exceptions.

65.5 Applicability.

65.6 Action required.

AUTHORITY: §§ 65.1 to 65.6 issued under R.S. 161, sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 22, 171a.

§ 65.1 Purpose.

The purpose of this part is to establish a uniform policy among the Services with respect to discharge or release of enlisted personnel from active service prior to expiration of service period for the purpose of entering or returning to a college, university, or equivalent educational institution.

§ 65.2 Policy.

- (a) In the interest of contributing to a high educational level in the United States, it is the policy of the Department of Defense that the maximum assistance practicable will be given to enlisted personnel who are qualified and demonstrate a desire to further their education. Personnel who would be unduly penalized in the pursuit of their education if required to remain in service until expiration of their term of enlistment or induction may be released early subject to meeting all of the requirements shown in §§ 65.3 and 65.6. Separation will be for the convenience of the Government.
- (b) The effective date of release from service under this policy will not be earlier than ten days prior to the date of registration prescribed by the educational institution.

(c) Aliens seeking to qualify for citizenship by completion of three years active military service will be excluded from release under this policy prior to performance of such qualifying service.

§ 65.3 Release criteria.

- (a) Latest acceptable registration date of school must fall within the last three months of remaining service. In general, personnel who will have a reserve obligation upon separation will not be released under this program until they have completed a minimum of 21 months' active duty on their current term of service.
- (b) The individual's services must not be essential to the mission of his assigned organization.
- (c) Applicants must furnish documentary evidence that they have been accepted for enrollment without qualification commencing with a specific school term in a recognized institution of higher

education in a full-time course of instruction leading to a baccalaureate or higher degree. A "recognized institution" is one listed in Part III of the Educational Directory published by the United States Department of Health, Education, and Welfare whose credits are accepted by accredited institutions.

(d) An applicant must demonstrate his ability and willingness to make the required payment of an entrance fee if he has not already done so.

(e) It must be established clearly by applicant that the specific school term for which he seeks release is academically the most opportune time for him to begin or resume his education and that delay of enrollment until normal expiration of service would cause undue handicap.

§ 65.4 Exceptions.

On an individual basis the Secretaries of the Departments may authorize the release of persons not fully meeting the criteria as exceptions to policy (e.g., personnel who desire to enter and are accepted by theological schools not listed in Part III of the Educational Directory).

§ 65.5 Applicability.

This policy is applicable to all enlisted personnel world-wide, other than reservists ordered to 6-months active duty for training.

§ 65.6 Action required.

- (a) Each military department will establish procedures to guard against abuse of this policy by personnel seeking to utilize it as a means of evading completion of their full term of military service.
- (b) Requests for early release from applicants who meet established criteria will be approved unless cogent military circumstances prevent.

MAURICE W. ROCHE. Administrative Secretary.

[F.R. Doc. 59-10715; Filed, Dec. 17, 1959; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPOR-TATION SYSTEM

Part 212-Administration of the Forest Development Road and Trail Fund, Chapter II, Title 36, Code of Federal Regulations is hereby revised as follows:

212.1 Definitions. 212.2

Allocation. 212.3 Forest development transportation plan.

Program of work.

212.5 Cooperative agreements.

212.6 Construction and maintenance. 212.7 Records and accounting.

AUTHORITY: §§ 212.1 to 212.7 issued under sec. 1, 30 Stat. 35, as amended; 16 U.S.C. 551; sec. 205, 72 Stat. 907; 23 U.S.C. 205.

§ 212.1 Definitions.

For the purpose of this part the following terms, respectively, shall mean:
(a) Chief. The Chief, Forest Service,

Department of Agriculture.

(b) Regional forester. A regional forester of the Forest Service.

- (c) Forest development transportation plan. The plan for the system of access roads, trails, and ainfields needed for the protection, administration, and utilization of the national forests, or the development and use of resources upon which communities within or adjacent to the national forests are dependent.
- (d) Forest development transportation facility. An access road, trail, or airfield wholly or partly within or adjacent to and serving a national forest which has been included in the forest development transportation plan.

(e) Forest development road and trail funds. Funds authorized or appropriated for the purpose of carrying out the provisions of section 205 of the Act of August 27, 1958 (72 Stat. 907); 23 U.S.C.

- (f) Road and trail 10% funds. Funds transferred from the permanent appropriation "Roads and Trails for States" under the Act of March 4, 1913 (37 Stat. 843), as amended: 16 U.S.C. 501.
- (g) Federal airport funds. Discretionary funds available for airfields in national forests under section 6(b)(3) of the Act of May 13, 1946 (60 Stat. 173).
- as amended; 49 U.S.C. 1105(b) (3).
 (h) Construction. The supervising, inspecting, actual building, and all expense incidental to the construction or reconstruction of a forest development transportation facility, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with the specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards.

(i) Maintenance. The upkeep of the entire forest development transportation facility including surface and shoulders. parking and side areas, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

(j) Preliminary engineering. A 1 1 work and expense of preparing for the construction or reconstruction of a forest development transportation facility including (1) engineering and economic investigations, studies, and reports; (2) reconnaissance surveys; (3) preliminary surveys; (4) preliminary location surveys; (5) soils, foundations, and materials investigations, surveys, and tests; (6) preliminary and final designs; (7) preliminary and final plans, drawings, specifications, and estimates of quanti-ties and cost; (8) final location surveys staked on the ground; and (9) rights-ofway surveys, plans, and descriptions.

(k) Construction engineering. All work and expense of setting out, controlling, inspecting, and measuring the construction or reconstruction of a forest development transportation facility including (1) construction surveys to establish line and grade for the work, to control the work, and to measure quantities; (2) redesigning, adjusting, and changing the plans, specifications, and materials to meet conditions; (3) inspecting, directing, and controlling operations for compliance with plans and specifications; (4) inspecting, testing, and accepting materials and equipment to be installed in the work; and (5) inspecting, measuring, and accepting completed work.

§ 212.2 Allocation.

Funds for forest development transportation facilities shall be allocated according to relative needs in the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of construction.

§ 212.3 Forest development transportation plan.

A plan shall be made for each national forest and experimental area administered by the Forest Service. It shall be prepared, maintained, revised, and reported on in accordance with procedures prescribed by the Chief.

§ 212.4 Program of work.

A program shall be made for all of the work to be done on the forest development transportation system each fiscal year. It shall be prepared, modified, and reported on in accordance with procedures prescribed by the Chief.

§ 212.5 Cooperative agreements.

Cooperative agreements for all projects which involve financial contributions from cooperators shall be negotiated, approved, and executed in accordance with procedures prescribed by the Chief. Work shall not be started on such a project until the cooperative agreement has been approved and executed.

§ 212.6 Construction and maintenance.

- (a) Construction and maintenance work on forest development transportation facilities with appropriated funds shall be directed to what is necessary and economically justified for protection, administration, development, and multipleuse management of the Federally owned lands and resources served.
- (b) Preliminary engineering and the construction and maintenance of forest development transportation facilities shall be performed by force account or let to contract, unless otherwise approved by the Chief. The contract method shall be employed for roads and trails in accordance with section 205(c) of the Act of August 27, 1958 (72 Stat. 907); 23 U.S.C. 205, and for all other facilities when it is advantageous and in the interest of the Government.

(c) No construction work shall be started by force account or let to contract until all necessary rights-of-way have been secured and approved by the Attorney General and cooperative agreements, if any, approved and executed.

§ 212.7 Records and accounting.

(a) As soon as practicable after the end of each fiscal year the regional for-

ester shall submit a report to the Chief showing the work accomplished in each State on forest development transportation facilities and the obligations incurred and disbursements made therefor.

(b) The Chief and each regional forester shall maintain an accurate fiscal record of the status of funds for forest development transportation facilities, and of all allocations, obligations, and disbursements thereof.

(c) Cooperative funds contributed in advance by cooperators shall be deposited in the United States Treasury to the credit of the Forest Service Cooperative Fund authorized by the Act of June 30, 1914 (38 Stat. 430), as amended; 16 U.S.C. 498, which deposits will be made available for expenditure from the appropriation "Cooperative Work, Forest Service" and shall be audited, disbursed and recorded in the same manner as funds under section 205 of the Act of August 27, 1958 (72 Stat. 907); 23 U.S.C. 205. If a State, county, or other governmental agency is unable to contribute in advance but is able to pay its share subsequent to performance of the work, the subsequent payment will be deposited to the credit of the Forest Service appropriation from which the expenditures were made. Cooperative expenditures made by cooperators shall be audited and disbursed as provided in the cooperative agreements.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 17th day of December 1959.

E. L. Peterson Assistant Secretary of Agriculture. [F.R. Doc. 59-10802; Filed, Dec. 17, 1959; 11:37 a.m.]

Title 43—PUBLIĆ LANDS: — INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

> SUBCHAPTER L—MINERAL LANDS [Circular 2033]

PART 202—RIGHTS-OF-WAY FOR PIPELINES ON THE OUTER CONTINENTAL SHELF

Miscellaneous Amendments

On pages 7529 and 7530 of the Federal Register of September 18, 1959, there was published a notice and text of proposed amendments of §§ 202.5 and 202.6 of Title 43, Code of Federal Regulations. The purpose of the amendments is to provide for the granting of rights-of-way for pipelines which invade or cross prior granted pipeline rights-of-way without the consent of the prior right-of-way holder.

Interested persons were given 30 days within which to submit written com-

ments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the Federal Register.

ELMER F. BENNETT,
Acting Secretary of the Interior.

DECEMBER 14, 1959.

1. Section 202.5 is amended to read as follows:

§ 202.5 Consent of or notice to lessee or right-of-way holder of area crossed or invaded by right-of-way.

An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases or rightsof-way other than his own and must submit with his application either the written consent of each lessee or rightof-way holder whose lease or right-ofway is so affected or a statement that he has delivered to each lessee or right-ofway holder whose lease or right-of-way is so affected personally or by registered or certified mail a copy of the application and map. If the statement is filed no final action will be taken on the right-ofway application until 15 days have elapsed after the last date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against granting of the right-ofwav.

2. Paragraphs (b) and (d) of § 202.6 are amended to read as follows:

§ 202.6 Terms and conditions.

(b) To pay the United States or its lessees or right-of-way holders, as the case may be, the full value for all damages to the property of the United States or its said lessees or right-of-way holders, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

= (d) That the allowance of the rightof-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in the submerged lands affected thereby, and that he agrees and consents to the occupancy and use by the United States or its lessees or other right-of-way holders of any part of the right-of-way not actually occupied or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted

[F.R. Doc. 59-10721; Filed, Dec. 17, 1959; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUECHAPTER P-MANNING OF VESSELS [CGFR 59-56]

PART 157—MANNING **REQUIREMENTS**

Subpart 157.30—Special Provisions

MANNING OF INSPECTED VESSELS OVER 65 FEET IN LENGTH AND LESS THAN 100 GROSS TONS

The purpose of this special manning provision is to authorize the holder of a license to operate mechanically propelled passenger-carrying vessels to serve as the master, pilot, or person in charge of any type of inspected steam or motor vessel of over 65 feet in length and less than 100 gross tons, to the same extent that such license authorizes the holder to operate small passenger-carrying vessels.

The Act of May 10, 1956 (Pub. Law 519, 84th Congress; 46 U.S.C. 390-390g) and the regulations in 46 CFR Parts 175 to 187, inclusive (Subchapter T-Small Passenger Vessels (Not More Than 65 Feet in Length)), established requirements for small vessels carrying more than six passengers. The operators of such vessels of less than 100 gross tons are required to hold "operators" "ocean operators" licenses.

This policy to permit the holder of a license to operate mechanically propelled passenger-carrying vessels to serve as the master, pilot, or person in charge of any type of inspected vessel of over 65 feet in length and less than 100 gross tons (without the need to hold another license) is based on various requirements in the vessel inspection laws governing the manning of vessels. One law, R.S. 4463, as amended (46 U.S.C. 222), provides in part that "no vessel of the United States subject to the provisions of Title 52 of the Revised Statutes or to the inspection laws of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew * * * as may in the judgment of the Coast Guard be necessary for her safe navigation." Various vessel inspection regulations and administrative practice have allowed the Officer in Charge, Marine Inspection, discretion as to the numbers and grade of the officers and crew for particular ves-This is based upon the type of vessel involved (passenger, tank, cargo, or miscellaneous vessel); its propulsion, the waters on which navigated, and other factors related to safe navigation. These minimum complements of officers and crew are stated in the certificates of inspection issued to inspected vessels.

It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date required thereof) is deemed unnecessary.

No. 246-2

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5195), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective on the date of publication of this document in the Federal Register:

Subpart 157.30 is amended by adding a new section at the end thereof reading as follows:

§ 157.30-35 Vessels of over 65 feet in length and less than 100 gross tons.

(a) A license as ocean operator or operator of mechanically propelled passenger-carrying vessels will authorize the holder to serve as master, pilot, or person in charge of any steam or motor vessel of over 65 feet in length and less than 100 gross tons, to the same extent that such license authorizes the holder to operate passenger-carrying vessels of not more than 65 feet in length and less than 100 gross tons.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4426, as amended; 4438, as amended, 4463, as amended, secs. 1, 2, 49 Stat. 1514, 1545, as amended; 46 U.S.C. 404, 224, 222, 367)

Dated: December 14, 1959.

[SEAL] A. C. RICHMOND, Vice Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 59-10742; Filed, Dec. 17, 1959; 8:49 a.m.]

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER D-FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

[Gen. Order 29, Rev., Amdt. 2]

PART 298—FEDERAL SHIP MORT-GAGE AND LOAN INSURANCE

Criteria for Conversion of Vessels

Whereas, in compliance with section 4 of the Administrative Procedure Act. notice of proposed rule making was published in the Federal Register issue of May 19, 1959 (24 F.R. 4032);

Whereas, the Maritime Administrator has considered the comments received; and

Whereas, the Maritime Administrator under authorities cited in said Notice has ordered that the proposed amendment incorporating revision of § 298.4(p) (5) be adopted;

Now, therefore, §§ 298.2 and 298.4 of this part are hereby amended as follows:

1. Amend paragraph (k) of § 298.2 Definitions, by deleting the word "or" at the end of subparagraph (1) (vii), by changing the semi-colon at the end of

subparagraph (1) (viii) to a comma and adding the word-"or", and by adding the following new subparagraph (1) (1x):

- (ix) The cost of the condition survey referred to in § 298.4(p) (1) and the cost of all work necessary in order for the surveyed vessel to comply with the standards set forth in § 298.4(p) (4) (exclusive of such work as would be unnecessary due to its being superseded by new work covered by the reconstruction or reconditioning).
- 2. Amend paragraph (m) of § 298.2 by deleting the word "or" at the end of subparagraph (6) iv), by changing the semi-colon at the end of subparagraph (6) (v) to a comma and adding the word "or", and by adding the following new subparagraph (6) (vi):
- (vi) The cost of the condition survey referred to in § 298.4(p) (1) and the cost of all work necessary in order for the surveyed vessel to comply with the standards set forth in § 293.4(p) (4) (exclusive of such work as would be unnecessary due to its being superseded by new work covered by the reconstruction or reconditioning).
- 3. Amend § 293.4 Eligibility requirements, by deleting the last sentence of paragraph (e) and by adding the following new paragraph (p):
- (p) Criteria for reconstruction or reconditioning. In the case of applications (other than under section 1107 of the Act) involving the reconstruction or reconditioning of vessels, the following criteria shall be met, except where because of other circumstances the Secretary shall determine that the interest of the Government will not be adversely affected:
- (1) The applicant shall make the vessel available at a time and place acceptable to the Secretary for a condition survey to be conducted by representatives of the Secretary. The scope and extent of such condition survey shall be not less effective than that required by the last ABS Special Survey previously completed or the ABS Special Survey next due or overdue, whichever date is nearest in accordance with vessel's age. All costs incident to said condition survey, except the pay and travel expenses of the representative of the Secretary, shall be paid by the applicant.
- (2) The vessel's power plant shall be of modern type and the vessel shall be capable of a sustained sea speed following reconstruction or reconditioning of at least 14 knots at full load draft, using 80 percent of normal shaft horsepower.

(3) The operating records of the vessel shall reflect normal and satisfactory operation of the vessel's main propulsion and other machinery and equipment commensurate with accepted commercial experience and practice.

(4) The vessel shall be in a good and efficient operating condition and state of repair, commensurate with accepted commercial practice, in Class -1 with the Classification Society and in compliance with the requirements of all applicable regulatory bodies.

(5) The mortgage period shall not exceed twenty years or the balance of the 20-year economic life of the vessel, extended not to exceed five years (if the Secretary finds the reconstruction or reconditioning will so extend the economic life of the reconstructed or reconditioned vessel).

(Secs. 204, 1108 (49 Stat. 1987, as amended, 52 Stat. 973) 46 U.S.C. 1114, 1278)

Dated: December 14, 1959.

James L. Pimper, Secretary.

[F.R. Doc. 59-10733; Filed, Dec. 17, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
[7 CFR Part 961]
[Docket No. AO-160-A21]

MILK IN PHILADELPHIA, PA., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on July 13-15, 1959, pursuant to notice thereof issued on July 1, 1959 (24 F.R. 5479).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 13, 1959 (24 F.R. 9309) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Application of regulation to plants doing business in this and any other Federal order market.

2. Modification of the procedure used in the application of handler location differentials.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Treatment of plants doing business in this and any other Federal order market. The present order provisions relating to the treatment of plants doing business in both the Philadelphia marketing area and any other Federal milk marketing area should be revised to eliminate conflict as to the order under which such plant shall be regulated and to correct a present deficiency which provides opportunity for both Philadelphia and New York-New Jersey regulated handlers to regularly dispose of unpriced milk for Class I use in the Philadelphia marketing area.

The present order provisions exempt from regulation under this order, except for specified reports, any fully regu-

lated plant under the New York-New Jersey order and any other plant subject to the classification and pricing provisions of any other Federal order if such plant disposes of a greater proportion of its Class I milk under such other order than under this order.

Under usual circumstances it is appropriate that plants doing business in two or more Federal order markets be regulated under that order under which they do the greater proportion of their Class I business. The Federal orders under which market pooling arrangements are provided require that plants meet specified performance standards for pooling. Under certain conditions supply plants which meet these standards during the short production months, retain continuing pool status during the flush production months, regardless of the volumes shipped, unless the operator elects to withdraw. The New York-New Jersey Federal order also provides pooling status for any plant which has specified minimum Class I usage and which disposes of Class I milk on routes in the marketing area, unless the operator thereof elects nonpool status. It is possible, therefore, that plants doing a greater percentage of their business in the Philadelphia market than in another Federal order market may, notwithstanding, be regulated by the other order. To avoid duplication of regulation it is necessary that such plant be exempted from the pricing and payment provisions of this order.

The New York-New Jersey order provides a I–B classification for Class I milk disposed of outside the marketing area specified under that order. It also provides that, following the assignment of producer receipts to Class I-A disposition (Class I sales in the marketing area), other source (unregulated) receipts shall be assigned pro rata to Class I-B and Class III utilization. By controlling the volume of its producer receipts a New York-New Jersey pool plant distributing, or supplying milk for distribution, outside the New York-New Jersey marketing area may utilize a totally unregulated supply for such purposes.

Because of this situation some unpriced milk is being distributed in the Philadelphia marketing area. The extent of such disposition presently is confined largely to two handlers operating New York-New Jersey order pool plants with direct Class I disposition in both the marketing area under that order and the Philadelphia marketing area and with additional sales in the adjacent nonfederally regulated areas. The pres-

ent extent of such sales in the Philadelphia marketing area does not appear substantial; nevertheless, they could increase. Further, the application of regulation as presently provided under these two orders, would permit a handler doing one hundred percent of his Class I business in the Philadelphia marketing area to operate with a totally unregulated supply of milk purchased from a New York-New Jersey pool plant. While there is no indication that Philadelphia handlers have made extensive use of this opportunity to obtain unpriced milk, it would be inappropriate to continue the present provisions which permit this type of operation.

It is intended that the order shall assure equal minimum prices of milk as between handlers on a classified use basis. Under the individual handler pooling in effect, each handler returns to his producers the specified order prices for all milk delivered. This can be ac-complished only if plants which regularly dispose of Class I milk in the marketing area on routes, or to plants which so dispose of such milk, are subjected to full regulation unless the milk involved is classified and priced as Class I milk under another Federal order. The present order provisions permit limited receipts of unpriced milk for Class I use during the four months of shortest production. This particular provision is necessary for reasons stated in the Secretary's decision of November 25, 1957 (22 F.R. 9600) and no change in these provisions were under consideration at this hearing.

Opponents argued that because the order permitted use of unpriced milk in Class I under specified circumstances during the four shortest production months, it was inappropriate to restrict the ability of handlers to use unpriced milk generally.

The situation being dealt with here is one which could result in unlimited amounts of unpriced milk being disposed of in the marketing area. Clearly, this poses a threat to the effectiveness of regulation under Order No. 61. Because the milk entering the marketing area through New York-New Jersey order pool plants does so on a regular and continuing basis it is necessary to apply regulation in a manner which is equivalent to that applicable to other milk which is disposed of in the marketing area on a regular and continuing basis; that is to say, such milk should be made wholly subject to regulation under this order. This may be accomplished by restricting the exemption now given to other Federal order plants doing business in the Philadelphia marketing area by providing producer milk plant status for such plants and requiring the filing of reports under the regular reporting provision and the classification and allocation of all milk received.

To avoid duplication of regulation on the same milk it is appropriate that the pricing and payment provisions (including administrative assessment) under this order be waived for any such plant and that the classification under the other order of (1) producer receipts, (2) receipts from other pool plants and (3) receipts of other source milk on which a

compensatory payment was made, be ity of operation and unless adequate recognized through equivalent classification under this order prior to the assignment of remaining receipts at such plant under the assignment provisions (§ 961.47) of this order.

In the event unpriced other source milk (under the other order) is assigned to Class I under the provisions of § 961.47 the plants supplying such milk should become producer milk plants, fully regulated under the Philadelphia order. This procedure will impose no additional requirements on the operator of other Federal order plants doing business in this market other than those presently provided under the order except the requirement to pay to any cooperative association of producers, whose plant is a fully regulated plant under this order and from which milk is secured for Class I disposition in this market, the minimum class prices effective at the transferee plant for milk so received. The Act specifically provides that no cooperative association shall sell milk to handlers at less than the class prices and this provision, presently a part of the order, complements the enforcement of this requirement of the Act.

Exceptors suggested that the phrase "fully regulated (pool) plant under another Federal order" as used in the recommended amendatory language of § 961.61 be clarified to establish that the quoted phrase would include any plant which is a designated or shipping plant under Order 27 during the month. It is intended that the term shall include in any month any plant then holding pool plant status under another Federal order.

2. Modification of the procedure used in the application of handler location differentials. The present procedure for the application of handler location differentials should be modified to provide, in case of a multiple plant handler, that the Class I location differential credits be computed on a volume of milk equal to the total Class I utilization in his system plus an amount equal to 5 percent of the actual disposition of Class I milk at his bottling plant(s) at which no location differentials are applicable, or any portion thereof not in excess of the the Class II utilization at such bottling plants, and to exclude from the Class I assignment sequence any milk received at producer milk plants at country locations and processed into Class II products at the original plant of receipt.

Under the present order provisions, except for the prior assignment of certain Grade A receipts, producer receipts at city plants are assigned first to Class I utilization and thereafter receipts at supply plants are assigned in sequence in accordance with the nearness of the plants to Philadelphia.

Handlers proposed that the assignment of receipts to Class I utilization for purposes of location differentials be made in the same sequence presently provided, but on the basis of actual shipment of milk to city plants for Class I use.

The procedure suggested by proponents is not appropriate under the conditions of this market. The several multiple plant handlers have substantial flexibil-

safeguards are provided it is apparent that they would move to the city that milk on which they would incur the greatest expense in disposition for Class II use. The additional transportation costs involved in such movements could be passed back to producers in lower blend prices. Uneconomic movements of this kind should not be paid for out of returns to producers.

Except in the case of two multiple plant handlers, milk received at the country plants and not needed for Class I use must be moved to other plants for Class II disposition. Since the milk must be moved from the initial plant of receipt under any circumstances, it is appropriate that it be assigned to Class I use in the present prescribed sequence starting with the nearest plant from Philadelphia.

When milk is retained in the original plant of receipt for Class II disposition some modification of the present procedure is appropriate. In the case of the two handlers with manufacturing plants in their systems, such manufacturing plants are located nearer to Philadelphia than certain other receiving plants in the systems. Milk not needed for Class I use is ordinarily retained at the manufacturing plants for processing into Class II products. Such milk cannot be considered to be available for Class I use and should be bypassed in the computation of Class I location adjustment credits. However, when milk is received at such plants and moved to the city or to other markets or plants the situation is essentially the same as with other plants and such milk should be eligible for assignment to Class I under the same provisions applicable to milk received at all other plants.

It is apparent that a handler operating only a fluid milk business must necessarily have available at his bottling plant some milk in excess of his actual Class I utilization. Such reserve is needed to meet unanticipated fluctuations in dayto-day requirements, route returns and normal plant shrinkage. Since such usage is directly associated with the fluid milk business and the milk therefore must be moved to the bottling plant, such milk should be included in the volume on which Class I location differential credits are computed.

The record does not provide a precise basis for determining the volume of milk in excess of Class I usage which must be moved to city plants. However, experience in other fluid milk markets indicates that an amount equal to 5 percent of actual Class I utilization is reasonable and such percentage is considered to be appropriate for this market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such con-

clusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such pinces as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as. and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1959 is hereby determined to be the representative period for the conduct of such referendum.

L. S. Iverson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 14th day of December, 1959.

> CLARENCE L. MILLER, Assistant Secretary.

Order 1 Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 961.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

- (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;
- (2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the

minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest:

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Philadelphia, Pehnsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

1. Delete § 961.52 and substitute therefor the following:

§ 961.52 Location differentials to handlers.

(a) Subject to the conditions of paragraph (b) of this section, for that milk received from producers at a producer milk plant located 45 miles or more from the City Hall in Philadelphia, Pennsylvania, by shortest highway distances as determined by the market administrator, and classified as Class I or Class II milk. respectively, Class I and Class II prices shall be reduced at the rate set forth in the following schedule according to the location of the producer milk plant where such milk was received from pro-

(1) Class I milk.

Distance of plant from City Hall	Rate per hundredweight (cents)
45 milesEach additional 10 miles or	23.0
thereof an additional	1.5

(2) Class II milk.

Rate per Distance of plant from hundredweight City Hall (cents) 45 to 70 miles______Each additional 70 miles or fraction thereof an additional....

- (b) In the case of producer milk plants operated by the same handler as part of a system the amount of Class I and Class II milk to which the adjustments set forth in paragraph (a) of this section shall apply shall be determined as fol-
- (1) Increase the Class I utilization at the producer milk plant(s) specified in § 961.7(a), operated by such handler and at which no location adjustment applies, by 5 percent or by an amount which is not in excess of the Class II utilization at such plant(s), whichever is less, and deduct the amount of any such increase from the Class II utilization at such plant(s);
- (2) Add to the adjusted Class I and Class II utilization computed pursuant to subparagraph (1) of this paragraph the Class I and Class II utilization, respectively, at other producer milk plants in the system;
- (3) Except as provided in subpara-Class I utilization computed pursuant to the assignment under such other order

paragraph (2) of this paragraph first to producer receipts at producer milk plants operated by such handler and at which no location adjustments apply and any remaining Class I utilization shall be assigned to receipts of producer milk at the remaining plant(s) in the system to the extent that milk is moved from such plant(s) in the form of any Class I products, in sequence, beginning with the plant at which the lowest location adjustment rate applies;

(4) Producer receipts which are not assigned to Class I utilization pursuant to subparagraph (3) of this paragraph shall be assigned to Class II milk; and

- (5) If a system of plants receives both Grade A and standard milk, the receipts of Grade A milk shall first be assigned in the sequence set forth in subparagraph (3) of this paragraph to the extent of actual disposition as Grade A milk in Class I and any remaining receipts of Grade A milk shall be assigned in conjunction with standard milk under subparagraphs (3) and (4) of this paragraph.
- 2. Delete § 961.61 and substitute therefor the following:

§ 961.61 Plants subject to other Federal orders.

(a) Any plant qualified as a producer milk plant pursuant to § 961.7(a) and as a regulated (pool) plant under the provisions of any other Federal order shall be fully subject to the provisions of this order during any month in which it disposes of in this marketing area on routes a greater volume of its Class I milk (as defined in this part) than the volume of Class I milk (as defined in such other Federal milk order) disposed of in such other marketing area on routes unless, notwithstanding that it would be regulated under this part, it is nevertheless regulated under such other order.

(b) Any plant qualified as a producer milk plant pursuant to § 961.7(b) and as a regulated (pool) plant under the provisions of any other Federal order shall be fully subject to the provisions of this order during any month in which it disposes of a greater volume of its Class I milk (as defined in this part) to producer milk plants under this order than the volume of Class I milk (as defined in such other Federal order) disposed of to plants at which milk is priced and pooled under such other order unless it would be a regulated (pool) plant by virtue of route distribution under such other order or, notwithstanding that it would be regulated under this part, it is nevertheless regulated under such other order.

(c) Any producer milk plant qualified pursuant to § 961.7 (a) or (b) which is a fully regulated (pool) plant under another Federal order shall not be subject to the provisions of §§ 961.50 through 961.53, 961.70 through 961.71, and 961.80 through 961.85 except as such provisions apply to payments to a cooperative association in its capacity as the operator of any plant which is a producer milk, plant under this part and a nonpool plant under the other Federal order: Provided, That for purposes of determining the status under this part of such plant's graph (5) of this paragraph assign the otherwise unregulated supply sources,

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been

- of, (1) producer receipts, (2) receipts from other pool plants, and (3) other source receipts on which any compensatory payment was applicable shall be recognized by equivalent assignment under this order prior to the application of § 961.47 with respect to other receipts at such plant.
- (d) In the case of the New York-New Jersey order, equivalent assignment under this part as provided in paragraph
 (e) of this section shall be as follows:

New York-New Jersey	Phi	ladelp	hia
Order	(Order	
Class I-A or I-B		Class	I.
Class II		Class	II.
Class III		Class	II.
Skim milk subject to the	fluid	Class	I.
skim differential.			

[F.R. Doc. 59-10734; Filed, Dec. 17, 1959; 8:48 a.m.]

Agricultural Research Service I 9 CFR Part 155 1

INSPECTION AND CERTIFICATION OF PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture, pursuant to the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), proposes to amend the regulations for inspection and certification of products for dogs, cats, and other carnivora (9 CFR Part 155) in the following respects:

§ 155.2 [Amendment]

- 1. Paragraphs (g), (j), (l), and (n) of §155.2 will be amended to read, respectively, as follows:
- (g) "Animal protein supplement" means a product containing animal protein and other elements normal to the component for use in compounding a maintenance food for dogs, cats, and other carnivora.
- (j) "Animal food meat by-product" means the part other than meat which has been derived from one or more cattle, sheep, swine or goats that have been U.S. Inspected and Passed and is fit for use as animal food.
- (1) "Animal food horse meat by-product" means the part other than meat which has been derived from one or more horses that have been U.S. Inspected and Passed and is fit for use as animal food.
- (n) "Animal food mule meat by-product" means the part other than meat which has been derived from one or more mules that have been handled in accordance with § 155.41 and is fit for use as animal food.
- 2. Section 155.29 will be amended to read as follows:

§ 155.29 Composition of canned maintenance food.

- (a) Only ingredients which are normal to canned food for dogs, cats, and other carnivora, or are favorable to adequate nutrition, and which are classed by the Director of the Division as conforming with requirements contained in this part shall be used in the preparation of maintenance food
- (b) Not less than 30 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat byproduct or both, shall be used in the preparation of canned maintenance food. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat by-product or both, or of the horse meat or animal food horse meat by-product or both, or of the mule meat or animal food mule meat byproduct or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the maintenance food.
- (c) Maintenance food shall contain not less than 10 percent of protein.
- (d) Maintenance food shall contain a level of minerals and vitamins generally recognized to be essential to the nutritional value of the food.
- (e) Vegetables and grains and their derivatives, used as ingredients of maintenance food, shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.
- (f) Inedible material such as tankage, dried blood, bone meal, and the like shall not be used as ingredients of maintenance food.
- 3. Section 155.30 will be amended to read as follows:

§ 155.30 Composition of canned or fresh frozen animal protein supplement.

- (a) Animal protein supplement shall contain not less than 95 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both. Upon specific approval of the Director of the Division, combinations of the above-specified ingredients may be used.
- , (b) Animal protein supplement shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260), as amended (21 U.S.C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U.S.C. 96), in order to insure decharacterization of the product for human food purposes.
- (c) Animal protein supplement may contain not more than 3 percent wheat flour or other processing aid acceptable to the Director of the Division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise fit for use as animal food.

- (d) Animal protein supplement shall contain not less than 15 percent protein.
- (e) Animal protein supplement shall contain not less than 3 percent fat.
- 4. The introductory paragraph and paragraph (a) of § 155.32 will be amended to read as follows:

§ 155.32 Labeling required.

Each container of inspected product shall have affixed thereto a label bearing the following information, prominently displayed:

- (a) The name of the product, class of product, ingredient statement, and the animal foods inspection legend in the manner provided by subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph.
- (1) The name of the canned food shall include words such as "dog food," "cat food," "dog and cat food," or "fox food," accompanied with such references to optional ingredients as may be required by the Director of the Division under this part. Product names shall not be misleading in regard to class of canned food for which label is intended.
- (2) Class of product as outlined in §§ 155.29 and 155.30 shall be declared on either the main display or 20 percent panel of the label.
- (3) The word "ingredients," followed by a complete list of ingredients of the food in the order of their predominance and by their common or usual names, shall appear on the label with the name of the food.
- (4) The inspection legend for canned or frozen animal food shall appear on the label in the form shown herewith, except that the plant number need not appear with the legend when such number is embossed on the sealed metal container as provided in § 155.33.



- (5) When a product is prepared in whole from any of the items defined in § 155.2 (i) through (n), its name shall identify the item and there shall appear contiguous to the name of the item the name of the decharacterizing agent used, followed by the word "added," as, for example, "bone added."
- (6) When wheat flour or other processing aid is added to the product, there shall appear on the label, with the name of the decharacterizing agent, in predominating order, the name of the processing aid, as, for example, "Wheat flour and bone added" or "Bone and wheat flour added."
- 5. Section 155.37 will be amended to read as follows:

§ 155.37 Alteration or imitation of statement of certification.

The statement of certification provided for by § 155.32(a) (4) shall not be

altered, defaced, imitated, or simulated in any respect or used for the purpose of misrepresentation or deception.

6. The heading immediately preceding § 155.41 will be amended to read as follows: "Mule Meat and Animal Food [F.R. Doc. 59-10703; Filed, Dec. 17, 1959; Mule Meat By-Product".

7. Section 155.42 will be amended to

read as follows:

§ 155.42 Marking of mule meat and animal food mule meat by-product.

All mule meat and animal food mule meat by-product inspected under this part shall be marked and identified as the Director of the Division may require in any particular case.

The foregoing proposed amendments will permit the use of a larger selection of by-products as ingredients of animal food prepared under the existing regulations. The acceptance of such materials will not affect the finished product in quality or condition.

The change in the inspection legend will help the consumer to better understand the animal foods inspection program as well as permit the manufacturer to use information regarding the service as a factor in their advertising program. A consumer survey showed that many people were not aware of the continuous animal foods inspection service furnished by the Department of Agriculture. They believe that the Department of Agriculture gives approval and certification only for animal food formulas submitted to it. The same survey pointed out that only one of two hundred consumers knew the meaning of "32 percent component." The name has therefore been changed to "animal protein supplement." Moisture control is not considered an important factor in the preparation of animal protein supplement since the minimum requirement of 95 percent meat and/or meat by-product, etc., and the minimum protein requirement of 15 percent limits the moisture content of the product and, therefore the requirement of § 155.30(d) is not necessary.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after date of publication of this notice in the

FEDERAL REGISTER.

day of December 1959.

M. R. CLARKSON. 'Acting Administrator,

8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board I 46 CFR Ch. II I

[Docket No. 875]

FILING OF TARIFFS BY TERMINAL **OPERATORS**

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of section 17 and 21 of the Shipping Act, 1916, as amended (46 U.S.C. 816 and 820), section 204 of the Merchant Marine Act, 1936 (46 U.S.C. 1114), and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the Federal Maritime Board is considering adopting the rules numbered below relating to persons engaged in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water within the United States and its territories and possessions.

The orderly administration of the regulatory provisions of the Shipping Act. 1916, as amended (46 U.S.C. 801 et seq.), requires, in the public interest, that information relating to the rates, charges, and practices of terminal operators subject to the jurisdiction of the Board, be filed with the Board and made available to the public, particularly to shippers, consignees, carriers, and other interested persons.

1. Every person carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water shall file in duplicate with the Regulation Office, Federal Maritime Board, and shall keep open to public inspection at its place(s) of business a schedule of tariffs showing all its rates, charges, rules, and regulations relating to or connected with the receiving, handling, storing and delivering of property at its terminal facilities. Such schedule or tariff shall be filed within a period of 30 days after the effective date of

Done at Washington, D.C., this 11th these rules and shall show all the rates. charges, rules and regulations for all services rendered, including but not limited to, dockage, wharfage, handling, storage, loading, unloading, free time and demurrage and all other terminal services.

> 2. Any initial schedule or tariff relating to the furnishing of wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water instituted subsequent to the effective date of these rules shall be filed with the Board on or before its effective date.

> 3. Every person filing a tariff pursuant to these rules shall file and post all modifications or cancellations of the said schedule or tariff including corrections and supplements thereto and reissues thereof 30 days in advance of the effective date; however, the Board may, in its discretion and for good cause shown, allow changes upon less than the period of 30 days herein specified.

> 4. Every person filing schedules and tariffs of rates, charges, rules and regulations pursuant to these rules shall establish a system for the distribution of such schedules and tariffs to interested persons either free or upon payment of a reasonable subscription fee. Details as to such system, including the proposed subscription fee, shall be furnished the Regulation Office simultaneously with the filing of the initial

schedule or tariff.

5. The term "person" as used in these rules includes every one carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water including, but not limited to, individuals, corporations, partnerships, associations, railroads, and State, municipal, and other governmental entities.

All persons interested in the foregoing proposed rules may file with the Secretary, Federal Maritime Board, Washington 25, D.C., within sixty (60) days after the publication of this notice in the FEDERAL REGISTER written data. views, or arguments thereon, for consideration by the Board.

Dated: December 10, 1959.

By order of the Federal Maritime Board.

> JAMES L. PIMPER. Secretary.

[F.R. Doc. 59-10708; Filed, Dec. 17, 1959; 8:45 a.m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-18673]

LACLEDE GAS CO.

Notice of Postponement of Hearing

DECEMBER 11, 1959.

Upon consideration of the motion filed December 9, 1959, by Counsel for Laclede Gas Company for postponement of the hearing now scheduled for December 14, 1959, in the above-designated matter:

The hearing now scheduled for December 14, 1959, is hereby postponed to February 1, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 59-10718; Filed, Dec. 17, 1959; 8:46 a.m.]

[Docket No. G-18338 etc.]

COASTAL TRANSMISSION CORP. ET AL.

Notice of Applications and Consolidation of Proceedings

DECEMBER 11, 1959.

In the matters of Coastal Transmission Corporation, Docket No. G-18338; Houston Texas Gas and Oil Corporation, Docket No. G-18615; The Ohio Oil Com-

pany, Docket No. G-17896; Turnbull & Zoch Drilling Company, Operator, et al., Docket No. G–17960; H. L. Hawkins and H. L. Hawkins, Jr., Operator, et al., Docket No. G-18077; Louis Baker, et al., Docket No. G-18175; J. Ray McDermott & Co., Inc., Operator, et al., Docket No. G-18212; Amerada Petroleum Corporation, Docket No. G-18346; Phillips Petroleum Company, Docket No. G-18375; Tidewater Oil Company, Operator, Docket No. G-18376; Tidewater Oil Company, Docket No. G-18377; Getty Oil Company, Operator, et al., Docket No. G-18378; Helis Petroleum Corporation, Operator, et al., Docket No. G-18379; Socony Mobil Oil Company, Inc., Docket No. G-18384; Socony Mobil Oil Company, Operator,1 Docket No. G-18385; Socony Mobil Oil Company, Inc., Docket No. G-18386; Union Oil Company of California, Docket No. G-18389; Great Expectations Oil Corporation, et al., G-18396; McCurdy & Docket No. McCurdy, Docket No. G-18434; The Pure Oil Company, Operator, et al., Docket No. G–18438; Shell Oil Company, Docket No. G–18439; The British-American Oil Producing Company, Docket No. G-18445; Herman Brown, et al., Docket No. G-18479; John A. Newman, Operator, et al., Docket No. G-18481; M. W. Crocket, et al., Docket No. G-18522; Investors Syndicate of the Southwest, Inc., Docket No. G-18590; Layton Brown Drilling Company, Inc., E. Layton Brown, Operator, Docket No. G-18674; G. H. Vaughn, Jr., et al., Docket No. G-18678; George K. Taggart, Jr., Operator, Docket No. G-18796; Shell Oil Company, Docket No. G-18805; Callery Properties, Inc., Docket No. G-18857; V. F. Neuhaus, Docket No. G-18861; Richard King, Jr., Docket No. G-18987; Clark Fuel Producing Company, Operator, et al., Docket No. G-19052; The Superior Oil Company, Docket No. G-19129; The Pure Oil Company, Docket No. G-19140; Irwin and Bess, Docket No. G-19287; Gregory J. Gallagher, Docket No. G-19308; Trice Production Company, Docket No. G-19340; W. W. F. Oil Corporation, Operator, et al., Docket No. G-19535; Tidewater Oil Company, Docket No. G-19971.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities to receive and transport natural gas and for the sale of natural gas in interstate commerce, as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented by the respective applications and amendments thereto, which are on file with the Commission and open to public inspection.

Transmission Corporation Coastal (Coastal) by its application in Docket No. G-18338, filed April 21, 1959, and supplemented August 28, 1959, and November 16, 1959, seeks authority to construct and operate certain facilities to gather, sell and deliver increased vol-

umes of natural gas to its sole customer, Houston Texas Gas and Oil Corporation (Houston). The natural gas is to be produced from various fields in Texas Railroad Commission District Nos. 2, 3, and 4 and from various fields in Southern Louisiana.

Coastal proposes to construct and operate approximately 80.73 miles of 3 to 10-inch lateral pipelines; two new compressor stations to be located at Port Lavaca, Texas, and near Eunice, Louisiana, having rated capacities of 2,200 horsepower and 3,300 horsepower respectively; and install an additional 1,500 horsevower compressor unit at its existing compressor station near Robstown, Texas.

The proposed facilities will increase Coastal's system capacity by approximately 60,000 Mcf per day to a total of 338,000 Mcf per day. The average daily delivery by Coastal to Houston at Baton Rouge, Louisiana, is expected to be approximately 335,000 Mcf.

Houston, by its application in Docket No. G-18615, filed May 25, 1959 and amended July 16, 1959, proposes to construct and operate five new compressor stations each having a rated capacity of 4,000 horsepower. Also, Houston proposes to construct and operate approximately 193.85 miles of 2 to 6-inch lateral transmission pipelines, plus various meter and regulator stations and appurtenant facilities necessary to provide additional service to certain existing customers and initiate natural gas service to new customers, all in the State of Florida. To this end, Houston proposes to sell and deliver additional volumes of gas as follows:

	Third-year require- ments in Mef @ 14.65 psia		
;	Peak day	Annual	
Existing utility customers	1, 400	3,002,900	
Kissimmee	1,940	595, 525	
New Industrial and sales for resale	145	19, 079, 618	

It is estimated that the following new customers will have third year peak day requirements of 45,752 Mcf and that the total annual requirements will be approximately 5,992,765 Mcf.

Name of Customer and Location

Brevard County Gas District; Brevard, Dade County.

City Gas Company: Hialeah, Dade County. City of Crescent City; Crescent City, Putnam County.

City of Dade City; Dade City, Pasco

County.
The Houston Corp.; Daytona Beach, Volusia County.

City of Fort Meade; Fort Meade, Polk County.

Gulfcoast Natural Gas Co.; Pinellas County.

Town of Jay; Jay, Santa Rosa County.

City of Pompano Beach; Pompano Beach, Broward County.

City of St. Joe; Port St. Joe, Gulf County.

City of Tarpon Springs; Tarpon Springs, Pinellas County.

City of Tavares; Tavares, Lake County. City of Vero Beach; Vero Beach, Indian River County.

City of Williston; Williston, Lary County. Town of Zephyrhills; Zephyrhills, Pasco County.

Coastal estimates the total capital cost of constructing its proposed facilities at \$6,250,000 and Houston estimates its costs to be \$12,500,000. Both companies plan to finance these costs as follows:

	Amount		
	Constat	Nouston	
Bank loans and/or funded debt © 5.5% Interim subordinated notes, 5.5% due 10% Common stock	74, 165, 000 1, 150, 0 40 935, 000	78, 300, (90) 2, 400, (10) 1, 500, (10)	

Both Coastal and Houston anticipate that all of the interim subordinated notes and common stock will be issued to their parent company, The Houston Corpora-

The following respective Applicants produce and propose to sell natural gas to Coastal for transportation in interstate commerce for resale as indicated below:

Docket No., Field, and Location

G-17896: Half Moon Reef Field, Arangas

G-17960; Monte Christo Field, Hidalgo County, Tex.

G-18077; Lochridge Field, Brazoria Counfy, Tex.

G-18175; Palacios Field, Matagorda County, Tex.

G-18175; Sharyland Field, Hidalgo County, Tex.

G-18346; Lake Chicot Field, St. Martin and Iberia Parishes, La.

G-18375; Lake Chicot Field, St. Martin and Iberia Parishes, La. G-18376; Falacios Field, Matagorda County,

Tex. G-18377; Opelousas Field, St. Landry

Parish, La. G-18378; Half Moon Reef Field, Aransas

County, Tex. G-18379; Port Allen Field, West Baton Rouge Parish, La.

G-18384; Palacios Field, Matagorda County,

G-18385; Kentucky Mott Field, Victoria County, Tex. G-18386; North La Ward Field, Jackson

County, Tex. G-18389; Kentucky Mott Field, Victoria

County, Tex. G-18396; Appling Field, Calhoun County,

G-18434; Luby Field, Nueces County, Tex.

G-18438; Sharyland Field, Hidolgo County, Ten.

G-18349; East Mustang Field, Nucces County, Tex. Shuteston Field, St. Landry G-18445;

Parish, La. G-18479;

North Monte Christo Field, Hidalgo County, Tex. G-18481; Lochridge Field, Brazoria County,

Tex. G-18522; Yzaguirre Field, Starr County,

G-18590; North Monte Christo Field,

Hidalgo County, Tex. G-18674; Appling North Field, Calhoun County, Tex.

¹ Formerly Magnolia Petroleum Company.

G-18678; Southwest Luby Field, Nucces County, Tex.

G-18796; Webb Field, San Patricio County, Tex.

G-18205; East Bay Field, Galveston County, \mathbf{T} ex.

G–18857; Palacios Fièld, Matagorda County, Tex.

G–18861; Cortez Field, Starr County, Tex. G–18987; San Eduardo Field, Jim Hogg and Starr Counties, Tex.

Starr Counties, Tex. G-19052; Cortez Field, Starr County, Tex. G-19129; Potrero Lopena Field, Kenedy County, Tex.

County, Tex. G-19297; Napoleonville Field, Assumption Parish, La.

G-19308; Palacios Field, Matagorda County, Tex.

G-19340; West Helen Gohlke Field, Dewitt County, Tex.

G-19585; East Buhler Field, Calcasieu Parish, La.

G-19971; Pheasant Field, Matagorda County, Tex.

The proposed initial base rates to be charged by the producers of the natural gas from the fields and locations listed above range from 13.5 cents to 17.5 cents per Mcf in Texas Railroad Commission District Nos. 2, 3, and 4; and in Southern Louisiana the proposed rates range from 18 cents to 21.5 cents per Mcf plus 1.75 cents per Mcf reimbursement for the State of Louisiana severance tax. This summary is applicable to all dockets except In the Matter of Shell Oil Company, Docket No. G-18805 (Shell).²

The above-entitled applications are interrelated and the proceedings upon such applications should be consolidated for purposes of a hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1960.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-10717; Filed, Dec. 17, 1959; 8:46 a.m.]

[Docket No. G-20299, etc.]

NUECES CO. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates ¹

DECEMBER 11, 1959.

In the matters of The Nueces Company, Docket No. G-20299; Socony Mobil Oil Company, Inc., Docket No. G-20300; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-20301; Imperial Oil of Kansas, Inc., Docket No. G-20302; Frank Zickefoose, et al., Docket No. G-20303; Pan American Petroleum Corp., Docket No. G-20304; The Atlantic Refining Company, Docket No. G-20305; F. O. Penn (Operator), et al., Docket No. G-20306.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

					,		Effective		Cents per Mcf	
Docket No.	Respondent	Rate sched- ule No.	Sup- ple- ment No.	Purchaser and producing area	Notice of change dated—	Date tendered	date unless , sus- pended ²	Date sus- pended until—	Rate in effect	Pro- posed in- creased rate
G- 20299. 	The Nucces Co	1	7	Tennessee Gas Transmission Co. (Aqua Dulce Field, Nucces County, Tex.).	10-29-59	11-13-59	12-14-59	5-14-60	11.90337	3 16. 5
G -20000	Secony Mobil Oil Co., Inc	4	2	Cities Service Gas Co. (Medicine Lodge Field.	11-16-59	11-17-59	12-23-59	5-23-60	12.0	3 13.0
		122	1	Barber County, Kans.). Cities Service Gas Co. (NW. Sharon Field,	11-16-59	11-17-59	12-23-59	5-23-60	12, 0	3 13.0
		160	2	Barber County, Kans.). Cities Service Gas Co. (Elwood Field, Barber	11-16-59	11-17-59	12-23-59	5-23-60	12.0	³ 13.0
		183	2	County, Kans.). Cities Service Gas Co. (N. Medicine Lodge	11-16-59	11-17-59	12-23-59	5-23-60	12.0	3 13.0
G -20301	Secony Mobil Oil Co., Inc.	5	5	Field, Barber County, Kans.). Cities Service Gas Co. (Hardtner Field,	11-16-59	11-17-59	12-23-59	5-23-60	12.0	3 13.0
	(Operator) et al.	6	3	Barber County, Kans.). Cities Service Gas Co. (N. Rhodes Field, Barber	11–16–59	11-17-59	12-23-59	5-23-60	12.0	\$ 13.0
G -20002	Imperial Oil of Kansas, Inc.	1	1	County, Kans.). Cities Service Gas Co. (Medicine Lodge Field,	11-16-59	11-18-59	12-23-59	5-23-60	12.0	3 13.0
G-20303	Frank Zickefoose, et al	7	1	Barber County, Kans.). Equitable Gas Co. (Union District, Richie	Un-	11-19-59	12-20-59	5-20-60	20.0	4 25.0
G-20304		209	1	County, W. Va.). Cities Service Gas Co. (Mc Guire-Goemann and	dated 11-13-59	11-16-59	12-23-59	5-23-60	12.0	3 13.0
G -20305	Corp. The Atlantic Refining Co	127	4	NE. Rhodes Fields, Barber County, Kans.). Cities Service Gas Co. (Hardtner NW. Sharon	11-13-59	11-17-59	12-23-59	5-23-60	12.0	3 13.0
G -20306	F. O. Penn (Operator) et al.	1	2	and Blunk Field, Barber County, Kans.). Tennessee Gas Transmission Co. (Ross Field, Starr County, Tex.).	11-17-59	11-17-59	12-18-59	5-18-60	13. 125	3 15. 095

² The stated effective dates are those requested by Respondents, or the first day after expiration of statutory notice, whichever is later.

The Nueces Company (Nueces) in support of the proposed redetermined rate increase, states that such rate will not serve to trigger any favored-nation clauses contained in other producer contracts in the area: that the October 29. 1959 letter agreement, submitted by Nueces, providing for the higher price eliminates any future redetermination or favored-nation increases and that this will be beneficial to the public and advantageous to all concerned. In addition. Nueces states that monthly operating costs have increased, and that the daily volume of gas available to Nueces has substantially declined as the result of fewer producing days granted by The Texas Railroad Commission.

Nueces also submitted a cost of service for the year ending February 28, 1959, showing unit costs for its jurisdictional gas ranging from 15.12 cents to 18.48 cents per Mcf, depending upon the method of allocation and the rate or return used. The submitted cost of service is identical to the one presented by Nueces In the Matter of The Nueces

Company, Docket No. G-9290 (General Investigation of Nueces' Rates), initiated upon complaint filed by the Tennessee Public Service Commission and others. The presiding examiner, in a decision issued November 4, 1959, found the just and reasonable rate for Nueces to be 8.9 cents per Mcf and ordered a reduction of the existing rate to that level to reflect a decrease of \$134,363 in the annual revenues. The Examiner's decision is now before the Commission for review.

Socony Mobil Oil Company, Inc. (Socony Mobil) and Socony Mobil Oil

Company, Inc. (Operator) et al. (Socony Mobil), Imperial Oil of Kansas, Inc. (Imperial Oil), Pan American Petroleum Corporation (Pan American), and the Atlantic Refining Company (Atlantic) propose periodic rate increases for sales to Cities Service Gas Company from various leases in Barber County, Kansas.

Socony Mobil, in support of the periodic rate increase, states that its increase is provided by a contract negotiated at arm's length; the gas is sold under an installment plan; the price of gas should be determined by the law of supply and demand; and that the costs of doing business have been increasing.

Pan American mentions arm's-length negotiations and states that the proposed rate is an integral part of the initial rate filing; the price of gas is substantially below that of competing fuels;

Pressure Base 14.65 psia.
 Pressure Base 15.325 psia.

² Shell requested temporary authorization, pursuant to § 157.28 of the Commission's Regulations, to sell and deliver natural gas at an initial base rate of 18 cents per Mcf to Coastal from Shell's interest in leases and units in the East Bay Field, Galveston County, Texas. On October 13, 1959, the Commission granted the request with the condition that the initial rate shall not exceed 17.5 cents per Mcf at 14.65 psla. Shell accepted this temporary authorization pending further proceedings.

¹This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

the price of gas should be determined by an average base price of currently negotiated contracts covering the sale of gas in the same area; and that the proposed rate is below current market prices.

Atlantic states that the proposed rate will not result in an excessive return but will assist Atlantic in obtaining a return commensurate with the risks inherent in the exploration and development production, gathering and sale of natural gas.

Imperial Oil makes its filing pursuant to § 154.94(g) of the Commission's regulations covering producers who transport or sell less than 100,000 Mcf. annually of jurisdictional gas. Accordingly, Imperial Oil is not required to and does not submit a supporting statement.

Frank Zickefoose, et al. (Zickefoose) in support of the proposed redetermined rate increase, submits a redetermination letter dated September 23, 1959, providing for the increased rate effective with the October 1959 meter reading date or such other date as may be designated by The Federal Power Commission. Additionally, Zickefoose states that the drilling and operating costs have increased; that additional future wells will be drilled on the designated leases at higher costs; and that the cost of pipe will likely increase as a result of the steel strike.

F. O. Penn (Operator), et al. (Penn) proposes a redetermined rate increase and submits a price redetermination letter dated April 16, 1959. Penn additionally states that the pricing provisions of the contract collectively represent the negotiated contract price; that the flexible pricing arrangement is economically desirable to the seller, the buyer and the public; and that the contract was negotiated at arm's-length.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural

Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.3 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. CUTRIDE. Secretary.

[F.R. Doc. 59-10719; Filed, Dec. 17, 1959; 8:46 a.m.1

DEPARTMENT OF DEFENSE

Office of the Secretary DEPUTY SECRETARY OF DEFENSE Delegation of Authority

The Secretary of Defense approved the following on December 11, 1959:

I. Delegation of authority. In accordance with the provisions of subsection 202(f) and subsection 203(a) of the National Security Act, as amended (63 Stat. 581; 5 U.S.C. 171a(f) and 171c(a)), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), I hereby delegate to Deputy Secretary of Defense James H. Douglas full power and authority to act for and in the name of the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secre-tary of Defense is authorized to act pursuant to law. The authority delegated herein may not be redelegated.

THOMAS S. GATES, Secretary of Dejense.

Delegation of authority published at 24 F.R. 4272 is hereby superseded and cancelled.

> MAURICE W. ROCHE, Administrative Secretary.

DECEMBER 14, 1959.

[F.R. Doc. 59-10716; Filed, Dec. 17, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11037]

CIE. DE TRANSPORTS AERIENS HITERCONTINENTAUX (TAI)

Notice of Prehearing Conference

In the matter of the application of Cie. De Transports Aeriens Intercontinentaux (TAI) for a foreign air carrier permit on the following route: Between terminal point Noumea, New Caledonia, the intermediate traffic points Papeete, Tahiti, Bora-Bora, French Polynesia, and Honolulu, Hawaii, U.S.A., and the terminal point, Los Angeles, California, U.S.A. in both directions.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 21, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washing-

ton, D.C., before Examiner Barron Fredericks.

Dated at Washington, D.C., December 15, 1959.

[SEAL]

FRANCIS W. BROWN, Chief Examiner.

[F.R. Doc. 59-10730; Filed, Dec. 17, 1959; 3:47 a.m.]

[Docket 8444]

LAKE CENTRAL TEMPORARY MAIL RATES

Notice of Postponement of Prehearing Conference and Reassignment of Examiner

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held on December 18, 1959 before Examiner Barron Fredricks is postponed to December 22, 1959, at 2:00 p.m., e.s.t., in Room 1028, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., December 15, 1959.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-10731; Filed, Dec. 17, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13301, 13302; FCC 59-1248]

SAM H. BENNION AND JAMES C. WALLENTINE

Order Designating Applications for Consolicated Hearing on Stated Issues

In re applications of Sam H. Bennion, Pocatello, Idaho, Docket No. 13301, File No. BPCT-2598; James C. Wallentine, Pocatello, Idaho, Docket No. 13302, File No. BPCT-2624, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of December 1959:

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 assigned to Pocatello, Idaho; and

It appearing that the applications of James C. Wallentine and Sam H. Bennion are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, James C. Wallentine and Sam H. Bennion, were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Sam H. Bennion is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and that James C. Wallentine is legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of James C. Wallentine and Sam H. Bennion, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

- 1. To determine, in connection with the transmitter proposed by James C. Wallentine, the information required to be submitted by § 3.640(a) (2) of the Rules, for a non type-accepted transmitter, and to determine from this information whether the proposed transmitter is acceptable.
- 2. To determine whether James C. Wallentine is financially qualified to construct, own and operate the proposed television broadcast station.
- 3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest convenience and necessity in light of the significant differences between the applicants as to:
- a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.
- b. The proposals of each with respect to the management and operation of the proposed television broadcast station.
- c. The programming service proposed in each of the above-captioned applications.
- 4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard James. C. Wallentine and Sam H. Bennion, pursuant to §1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear

on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-10738; Field, Dec. 17, 1959; 8:49 a.m.]

[Docket Nos. 12566, 12774; FCC 59M-1702]

SANFORD L. HIRSCHBERG ET AL.

Order Continuing Hearing

In re applications of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York, Docket No. 12566, File No. BP-11261; W. Frank Short and H. Clay Esbenshade, d/b as Fairview Broadcasters, Rensselaer, New York, Docket No. 12774, File No. BP-12209; for construction permits for new standard broadcast stations.

Upon oral motion of the Broadcast Eureau, and with the consent of all parties, and for good cause shown therein (that the parties herein may merge and obviate the necessity for extended hearing): It is ordered, This 14th day of December, 1959, that the hearing now scheduled in the above-entitled matter to take place December 15, 1959, is hereby rescheduled to commence at 10:00 a.m., January 14, 1960.

Released: December 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

Mary Jane Morris, Secretary.

[F.R. Doc. 59-10739; Filed, Dec. 17, 1959; °8:49 a.m.]

[Docket No. 13265; FCC 59M-1699]

EARL A. WILLIAMS

Order Continuing Hearing

In the matter of application of Earl A. Williams, Docket No. 13265, File No. 2731–C2–P–59, Call Sign KEC929; for construction permit to establish a new one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Syracuse, New York.

Pursuant to agreement at today's prehearing conference: It is ordered, This 14th day of December 1959, that:

- (1) The hearing now scheduled for December 29, 1959, is continued to Tuesday, February 2, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.
- (2) Proposed exhibits shall be exchanged on or before January 25, 1960.

Released: December 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-10740; Filed, Dec. 17, 1959; 8:49 a.m.]

[Docket No. 12054; FCC 59M-1709] WTVY, INC.

Order Scheduling Hearing

In the matter of amendment of § 3.606 Table of Assignments, Television Broadcast Stations (Columbus, Georgia), Docket No. 12054, and order directing WTVY, Inc., to show cause why its authorization for Station WTVY, Dothan, Alabama, should not be modified to specify operation on Channel 4 in lieu of Channel 9.

It is ordered, This 15th day of December 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 18, 1960, in Washington, D.C.

Released: December 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.
[F.R. Doc. 59-10741; Filed, Dec. 17, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1195]

DE VILLE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 14, 1959.

I. De Ville Company, a limited partnership to be organized under the Partnership Law of the State of New York and Edmund L. Dorman, the proposed general partner thereof, both having offices at 555 Fifth Avenue, New York 17, New York, filed with the Commission on October 27, 1959 a notification on Form 1-A and an offering circular relating to an offering of limited partnership interests, in units of \$5,000, for an aggregate of \$295,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

- 1. The notification on Form 1-A fails to disclose the names and addresses of all predecessors and affiliates of the De Ville Company, proposed limited partnership, as required by Item 2;
- 2. The notification on Form 1-A fails to set forth fully the information required by Item 10 as to any other offerings of securities by the De Ville Company, its predecessors and affiliates particularly the proposed offering under Regulation A by Bissonnet Company, an affiliated limited partnership, File No. 24FW-1194.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made. in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose on the out-

side front cover page:

(a) The manner in which the offering of limited partnership interests will be made;

(b) The amount of commissions and expenses to be incurred in connection with the offering and identity of the recipients thereof;

(c) The fact that no assurance can be given that all or any of the limited partnership interest being offered will be sold and that the organization of the limited partnership may not occur;

2. The failure to disclose adequately, details as to the parties, considerations, terms, and provisions relating to any transactions, agreements, or contracts by which title to properties to be acquired

by the De Ville Company;

- 3. The failure to disclose material and pertinent information concerning the respective rights and obligations of Edmund L. Dorman, the general partner, and the purchasers of the limited partnership interests, particularly with respect to the interests and relationships of Edmund L. Dorman, in and to the partnership enterprise and the operations of the properties through the Douglas Company, the proposed lessee, with the profits and remunerations to be received by Edmund L. Dorman therefrom:
- 4. The failure to disclose the relationship between Edmund L. Dorman, the general partner of the issuer, and the Douglas Company, the proposed lessee of the properties, after acquisition of the title thereto by the issuer;

5. The failure to disclose adequately all material and pertinent terms and conditions of the proposed lease agreement with the Douglas Company, and contingencies thereunder, bearing materially upon future operations of the proposed limited partnership;

6. The failure to disclose adequately pertinent details bearing upon the tax status of the limited partnership interests under the Federal Internal Revenue Laws and Regulations:

7. The failure to disclose possible profits to be derived by Edmund L. Dorman in the event of future sales of the properties and improvements to be acquired by the De Ville Company.

C. The offering is being or would be made in violation of section 17 of the

Securities Act of 1933, as amended.
III. It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order: that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 59-10724; Filed, Dec. 17, 1959; 8:47 a.m.]

[File No. 70-3837]

KINGSPORT UTILITIES, INC.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

December 11, 1959

Notice is hereby given that Kingsport Utilities, Incorporated ("Kingsport"), a public-utility subsidiary of American Electric Power Company, Inc. ("American"), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated section 7 of the Act and Rule 50(a) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Kingsport proposes to issue and sell up to \$600,000 of its unsecured notes, of which \$420,000 will be sold to Manufacturers Trust Company and \$180,000 to Morgan Guaranty Trust Company of New York. The notes are to be issued from time to time, prior to December 31, 1960, will mature not more than 270 days after issuance, will bear interest at the prime rate effective in New York on the date of issuance (presently 5 percent per annum) and may be prepaid at any time, without premium.

The proceeds from the sale will be used to finance in part the construction programs for 1959 and 1960, estimated at \$820,000 and \$760,000, respectively. In addition to funds generated internally, the company will also use for this purpose the proceeds from the sale of \$400,-000 of similar notes issued pursuant to the exemptive provisions of section 6(b).

The declaration states that the total amount of short-term notes to be outstanding at any one time including such amounts as may be exempt from the provisions of the Act by section 6(b), shall not be in excess of \$1,000,000.

It is indicated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that no legal or other fees, commissions or expenses are expected to be paid or incurred by Kingsport or any associate company as a result of the proposed transactions.

Notice is further given that any interested person may, not later than December 28, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F.R. Doc. 59-10725; Filed, Dec. 17, 1959; 8:47 a.m.I

TARIFF COMMISSION

[AA1921-12]

PORTLAND CEMENT

Notice of Investigation

Having received advice from the Treasury Department on December 11, 1959, that portland cement manufactured by the St. Lawrence Cement Company, Ontario, Canada, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are re-ferred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may within 15 days after the date of publication of this notice in the Feb-ERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in confidence," Written statements in confidence."

must be filed not later than January 15, 1960.

Issued: December 15, 1959. By order of the Commission.

[SEAL]

DONN N. BENT, Secretary.

[F.R. Doc. 59-10728; Filed, Dec. 17, 1959; 8:47 a.m.]

SPRING CLOTHESPINS Report to the President

DECEMBER 7, 1959.

The U.S. Tariff Commission today submitted to the President its first periodic report on the developments in the trade in spring clothespins since the "escape clause" action, on December 10, 1957, withdrawing the concession thereon granted in the General Agreement on Tariffs and Trade. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its first report to the President under Executive Order 10401 with respect to spring clothespins, the Commission advised the President that conditions of competition between imported and domestic spring clothespins had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in spring clothespins do not warrant a formal inquiry into the question of whether a reduction in the duty on spring clothespins could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By the Commission.

[SEAL]

Donn N. Bent, Secretary.

[F.R. Doc. 59-10727; Filed, Dec. 17, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board
[Docket No. 867]

PROPORTIONAL COMMODITY RATES ON CIGARETTES AND TOBACCO

Notice of Supplemental Order

Notice is hereby given that the Federal Maritime Board, on November 30, 1959, entered the following Supplemental

Order to the original order in this proceeding, dated August 24, 1959, published in the FEDERAL REGISTER of September 3, 1959 (24 F.R. 7152):

It appearing that by the Original Order in Docket No. 867 served September 2, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in Freight Tariff No. 5, F.M.B.-F. No. 5, also Supplements Nos. 1, 2 and 3 thereto, and suspended the operation thereof to and including December 24, 1959; and

It further appearing that said Original Order provides in part that neither the schedule hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board: and

It further appearing that on November 16, 1959, Pan Atlantic Steamship Corporation filed Application No. 13 requesting special permission authority to publish, post and file, on 20 days' notice, a consecutively numbered revised supplement to the Tariff in order to voluntarily extend the suspension date from December 24, 1959, to February 24, 1960; and

It further appearing that the Board having found good cause therefor has on November 30, 1959, granted special permission to publish said supplement on 20 days' notice under Special Permission No. 3794; and

It is ordered, That the Order herein is modified to the extent necessary to permit the publication and filing of the change covered by Special Permission No. 3794; and

It is further ordered, That copies of this Order shall be filed with said tariff schedule in the Office of the Federal Maritime Board; and

It is further ordered, That this First Supplemental Order be published in the FEDERAL REGISTER; and

It is further ordered, That a copy of this Order shall be forthwith served upon Pan Atlantic Steamship Corporation and upon all protestants herein.

Dated: December 14, 1959. By order of the Board.

> James L. Pimper, Secretary.

[F.R. Doc. 59-10707; Filed, Dec. 17, 1959; 8:45 a.m.]

FARRELL LINES, INC., ET AL. Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8421, between Farrell Lines Incorporated and the carriers comprising the Barber-West African Lines joint service, covers a through billing arrangement in the trade between Harbel, Grand Bassa, Sinoe and Cape Palmas, Liberia, and United States Atlantic ports, with transhipment at Monrovia, Liberia. Agreement No. 8421, upon approval, will supersede and cancel approved Agreement No. 8231.

(2) Agreement No. 8422, between Farrell Lines Incorporated and Elder Dempster Lines, Ltd., covers a through billing arrangement in the trade between Harbel, Grand Bassa, Sinoe and Cape Palmas, Liberia, and United States Atlantic ports, with transhipment at Monrovia, Liberia, Agreement No. 8422, upon approval, will supersede and cancel approved Agreement No. 7746, as amended.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 14, 1959.

By order of the Federal Maritime Board.

James L. Pimper, Secretary.

[F.R. Doc. 59-10709; Filed, Dec. 17, 1959; 8:45 a.m.]

CUNARD STEAM-SHIP CO., LTD., AND ANCHOR LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733 46 U S C 214):

(39 Stat. 733, 46 U.S.C. 814):
Agreement No. 8419, between The Cunard Steam-Ship Company Limited and Anchor Line Limited, covers the establishment and maintenance of a joint service in the trades between ports in Scotland, England and France, on the one hand, and U.S. North Atlantic ports, on the other hand.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 14, 1959.

By order of the Federal Maritime Board.

James L. Pimper, Secretary.

[F.R. Doc. 59-10710; Filed, Dec. 17, 1959; 8:45 a.m.]

MEMBER LINES OF HAWAII/EUROPE RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 314):

Agreement No. 8410-3, between the member lines of the Hawaii/Europe Rate Agreement, modifies the basic agreement of that conference (No. 8410, as amended), which covers the trade from Hawaii to ports in the United Kingdom. Ireland, Scandinavia, including Finland, Continental Europe, East and West Africa, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon. The purpose of the modification is to include the trade from Hawaii to the Atlantic Islands of the Azores, Madeira, Canary and Cape Verdes, and ports in Iceland and on and in the Gulf of Aden, Red Sea and Persian Gulf.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 14, 1959.

By order of the Federal Maritime Board.

Janes L. Pimper, Secretary.

[F.R. Doc. 59-10711; Filed, Dec. 17, 1959; 8:45 a.m.]

SKIBSAKTIESELSKAPET IGADI ET AL. Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

- (1) Agreement No. 7866-2, between Skibsaktieselskapet Igadi, Aktieselskapet Ivarans Rederi and Aktieselskapet Lise (carriers comprising the Ivaran Lines—Far East Service joint service, Agreement No. 7866, as amended), and Skibsaktieselskapet Awilco, provides for the withdrawal of A/S Igadi from, and for the admission of A/S Awilco to, participation in said joint service, which operates in the trade between U.S. Atlantic and Gulf ports, U.S. Pacific Coast ports, and ports in the Far East.
- (2) Agreement No. 8248-1, between Skibsaktieselskapet Igadi, Aktieselskapet Ivarans Rederi and Aktieselskapet Lise (carriers comprising the Ivaran Lines—Far East Service joint service, Agreement No. 7866, as amended), Skibsaktieselskapet Awilco, and National Development Company, modifies approved

Agreement No. 8243, covering an arrangement for the coordination of sallings in the trade between U.S. Atlantic and Gulf ports, U.S. Pacific Coast ports, and ports in the Far East. The purpose of the modification is to provide for the participation of Skibsaktieselskapet Awilco in Agreement No. 8248 as a party to Ivaran Lines—Far East Service joint service, in place of Skibsaktieselskapet Igadi.

- (3) Agreement No. 8416, between the carriers comprising the Ivaran Lines—Far East Service joint service and Bull Insular Line, Inc, covers a through billing arrangement in the trade from Hong Kong, Japan and the Philippines to Puerto Rico, with transhipment at New York, Baltimore, Philadelphia, New Orleans or Mobile. Agreement No. 8416, upon approval, will supersede and cancel approved Agreement No. 8081, as amended.
- (4) Agreement No. 8417, between the carriers comprising the Ivaran Lines—Far East Service joint service, and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Hong Kong, Japan and the Philippines to Puerto Rico, with transhipment at New York, Baltimore or Norfolk. Agreement No. 8417, upon approval, will supersede and cancel approved transhipment Agreement No. 8079.
- (5) Agreement No. 8418, between the carriers comprising the Ivaran Lines—Far East Service joint service, and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Hong Kong, Japan and the Philippines to the Virgin Islands, with transhipment at New York, Baltimore or Norfolk. Agreement No. 8418, upon approval, will supersede and cancel approved transhipment Agreement No. 8082.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 14, 1959.

By order of the Federal Maritime Board.

James L. Pimper, Secretary.

[F.R. Doc. 59-10712; Filed, Dec. 17, 1959; 8:45 a.m.]

MEMBER LINES OF TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

- (1) Agreement No. 131-229, between the member lines of the Trans-Pacific Passenger Conference, modifies By-Law D-3 of the basic conference agreement (No. 131, as amended), to provide for the payment of commissions to domestic air carriers having sea/air passenger traffic interchange or interline agreements with any member line, on tickets, orders or deposit receipts, drawn by or transferred from such air carrier. The by-law presently limits the payment of such commissions to non-domestic air carriers.
- (2) Agreement No. 131-231, between the member lines of the Trans-Pacific Passenger Conference, modifies By-Law D-23 of the basic conference agreement (No. 131, as amended), to provide for reductions from established fares as unanimously agreed on services of member lines when combined (1) with sea or air services between the Orient and Australia and/or New Zealand: (2) with scheduled airways between Australia, New Zealand and Fiji to Honolulu and the West Coast of North America, and (3) with scheduled airways between the Orient to Honolulu and the West Coast of North America. Such reductions are presently limited to traffic within the jurisdiction of the conference which involves a trans-Pacific voyage of a member line of the Australian group and a member line of the Orient group.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to either of the agreements and their position as to approval, disapproval, or medification, together with request for hearing should such hearing be desired.

Dated: December 14, 1959.

By order of the Federal Maritime Board.

James L. Pimper, Secretary.

[F.R. Doc. 59-10713; Filed, Dec. 17, 1959; 8:46 a.m.]

[Docket No. S-57 (Sub. No. 4)]

STATES MARINE LINES, INC.

Notice of Application and Hearing

Notice is hereby given of the application of States Marine Lines, Inc., for written permission of the Federal Maritime Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit the continuance, in the event the Federal Maritime Board awards an operating-differential subsidy to States Marine Lines, Inc., of the operation of the "SS Texan" tanker owned by an affiliate of States Marine Lines, Inc., Oil Transport, In-corporated, in the transportation as contract carrier of chemicals, petrochemicals and lubricating oil in domestic commerce between United States Pacific ports on the one hand, and United States Gulf and Atlantic ports on the other. This application may be 10270

inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set for January 13, 1960, at 10 o'clock, a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on January 11, 1960, notify the Secretary, Federal Maritime Board, in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the Rules of Practice and Procedure, Maritime Administration, petitions for leave to intervene received after the close of business on January 11, 1960, will not be granted in this proceeding.

Dated: December 15, 1959.

JAMES L. PIMPER, Secretary

[FR. Doc. 59-10732; Filed, Dec. 17, 1959; 8:48 a.m.]

Maritime Administration TRADE ROUTE NO. 16

Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 16 as published in the Federal Register issue of October 28, 1959 (24 F.R. 8752).

Dated: December 14, 1959.

By order of the Maritime Administrator.

> James L. Pimper, Secretary.

[F.R. Doc. 59-10714; Filed, Dec. 17, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 237]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62535. By order of December 11, 1959, Division 4 voted to approve the transfer to Murrow's Trans-

fer Incorporated, High Point, N.C., of Certificates Nos. MC 104349, MC 104349 Sub 1, MC 104349 Sub 2, and MC 104349 Sub 5, issued August 1, 1950, August 1, 1950, August 1, 1950, and August 16, 1951, respectively, in the name of J. M. Chafin and H. R. Gillespie, a partnership, do-ing business as Chafin Transfer Company, High Point, N.C., authorizing the transportation of new upholstered furniture, except when in boxes, crates or cartons, over irregular routes, from High Point, N.C., to points in South Carolina, Georgia, Virginia, and West Virginia, and damaged or rejected shipments of the above-specified commodities, from destination points to High Point, N.C.; uncrated new furniture, from High Point and Thomasville, N.C., to points in Tennessee, Kentucky, Maryland, New York, New Jersey, Ohio, Alabama, Florida, Illinois, Indiana, Pennsylvania, and the District of Columbia; rejected shipments on return; new furniture, crated, from High Point, N.C., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, except Baltimore, Michigan, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; new furniture, uncrated, from High Point, N.C., to points in Michigan; and from Asheboro, N.C. to points in Rhode Island, Connecticut, Massachusetts, Vermont, Maine, and New Hampshire; materials and fittings used in the manufacture of furniture, from Chicago, III., and Detroit, Mich., to High Point, N.C. Francis W. McInerny, 1625 K Street NW., Washington 6, D.C.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-10723; Filed, Dec. 17, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE-DECEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during December. Proposed rules, as opposed to final actions, are identified as such.

3 CFR Page	7 CFR—Continued Page	10 CFR Page
Proclamations:	845 9706	910009
Dec. 18, 1907 9559	850 9707	12 CFR
Nov. 24, 1908 9559	86810250	
Apr. 17, 1911 9559	87810252	204
Jan. 15, 1918 9559 Oct. 17, 1927 9559	9039567, 9807 9049567	521 9578
1349 9559	905—908907	5459580, 9657
2169 9559	9699707	555 9693
2173 9559	911—913 9807	563 9657, 9780, 9977
2174 9559	914 9618, 9779, 10056, 10140	Proposed rules: 9999
2178 9559 2187 9559	916—919 9307 921	
2187 9559 2188 9559	921 9807 923—925 9307	14 CFR
21899559	928—9329807	1 9839
2190 9559	9339654, 10056-10058	40 9765, 9767, 9839
2285 9559	935 9807	9768, 9772, 9840
22899559	93810007, 10008	429773, 9776, 9840 4510191
2293 9559 3279 10133	941—942—————————————————————————————————	4710192
329010133	9449807	22510253
3326 9651	9469807	249 9977
3327 9763	948—949 9807	2979580, 9978
3328 10133	952 9807	399 9619
Executive orders:	953 9708, 9780, 10058, 10140	5079620, 9778, 9984, 9985, 10099, 10141, 10192
3820 9559 3889 9783	9549807 95510059	630 9581,
4436 9559	9569807	9927-9929, 9986-9988, 10141, 10142
5794 10108	95710140	601 9581, 9841, 9842, 9928, 9929, 9986-
5814 9559	9639807	9988, 10009, 10059, 10060, 10142
7443 9559	965—968 9807	602 9843, 9989
7908 9563, 9651	971—972———— 9807	6089989
85319563, 9651 100009565	974—978 9807	60910010 Proposed rules:
10000 9565 10011 9565	9809307 9829807	409789, 9790
10530 9565	985—9889307	41 9789, 9790
10849 9559	991 9807	42 9789, 9790
10850 9559	994—995 9807	46 9790
10851 9563	996 9567	2219913
10852 9565	9979655	4069347 5079746, 9993, 10019, 10118
10853 9565 10854 9565	998 9307 999 9567	514 10118, 10119
10855 9565	10009807	600 9790, 9791, 9935, 9936, 9993-
10856 9763	10029807	9998, 10078-10080, 10160, 10161
5 CFR	1004-1005 9807	6019791, 9935, 9936, 9004_
	1008—1009 9807	9998, 10078-10082, 10161, 10162
2410097 32510141	1011—1014———— 9807	6089792, 9937, 9938
6 CFR	10159703 10169807	15 CFR
331 9655, 9925	10189807	364 9709
332	10239807	37110015
334 9655	1070 9730	37310015
421 10249	1102 9563	282
427 10189	Proposed rules:	39910154
4649691	718	
46810191 47210191	905 9742	16 CFR
47510029	91410077	13 9659-9661, 9724, 9735,
7 CFR	924 10207	9843, 9844, 10097, 10192–10195
5 9778	95310158	239581 4810195
4710055	93110258	
529975	9639993 9879742	17 CFR
81 9566	10149742	24010099
351 9923	102510207	257 9724
722 9693, 9703,	9 CFR	Proposed rules:
9778, 10056, 10135, 10136, 10138	189975	2309945 2409946, 10120
723 9610 728 10139	839926	2509947
729 9611	929838	<u>-</u>
730 9567, 9615, 9704	Proposed rules:	19 CFR
813 9705	7810077	109989
815 10139	1319902	Proposed rules: 9785
833 9706	15510261	16 9785

FEDERAL REGISTER

20 CFR	Page	32 CFR—Continued	Page	41 CFR	Page
345	10199	65	10255	202	10106
404		151		Proposed rules:	
602	9809	590	9621	202	10077, 10116
Proposed rules:	}	591		42 CFR	,
403	10117	592	9621		10100
404	10117	596:	9621	32	
AN AFR	•	600		Proposed rules:	10108
21 CFR		601	9621		10078
3		605	9621		
15		606		43 CFR	
120		1001		191	9846
121		1002		192	9846
141e		1003		202	
146		1005		295	9846
146a		1007		Proposed rules:	
146b		1009		115	9677
146c	9990	1010		161	9627
146d	9845	1012		Public land orders:	
146e	9929, 10063	1013		513	10108
Proposed rules:		1014		750	9559
53	10078	1015			9586
120	10160	1016		2022	9586
25 CFR		1052			9783
Appendix	9847	1053		2024	10108
221		1054			10108
Proposed rules:	9901	1057			10109
1	07/11	1058			10157
221	0795	1464	9587	, 2028	10157
243	0725	32A CFR		44 CFR	
	3100				10206
26 (1939) CFR		BDSA (Ch. VI):	0505		10200
39	9661		9595	46 CFR	
		DMS Reg. 1, Dir. 1		157	10257
26 (1954) CFR		DMS Reg. 1, Dir. 2	9607	172	9783
199	9582, 9663, 9664	DMS Reg. 1, Dir. 3	9008, 9010	298	10257
49	9664	DMS Reg. 1, Dir. 4		309	10204
517	10100	DMS Reg. 1, Dir. 5 DMS Reg. 1, Dir. 6		Proposed rules:	
Proposed rules:		DMS Reg. 1, Dir. 0		201—380	10262
1	9587	DMS Reg. 2	9610	47 CFR	
48	9674	DMS Reg. 2, Dir. 3		1	. 10208
29 CFR	1	DMS Reg. 2, Dir. 4		2	9736
		OIA (Ch. X):		4	
403		OI Reg. It	10075	6	9737
415	10105	NSA (Ch. XVIII):		16	9932 10009
451	10064	AGE-2	9736	21	
452				Proposed rules:	
453		33 CFR	•	2	9937, 9939
613687	9020	40	9932	3	9678, 10162, 10163
694		202			9939
699		203			9747
	9969, 10100			21	9944
Proposed rules:	10159	36 CFR		40 CED	
403	10199	212	10255	49 CFR	40400
30 CFR		Proposed rules:		72	
35	10201	1—10	9848	73	10109
	10401	. 20—22		74	10112
32 CFR		25—26	9900	78	
1	9710			95	
3		38 CFR	•	193	
6		110018	, 10106, 10155	194	
7		2		Proposed rules:	9784
8		3			10019
11	9714		,		10019
12	9718	39 CFR	-^	50 CFR	
14		49	10034	Proposed rules:	4'
16		94		34	
30	9720	96	10044	l - 176	9787
			•		